00024208

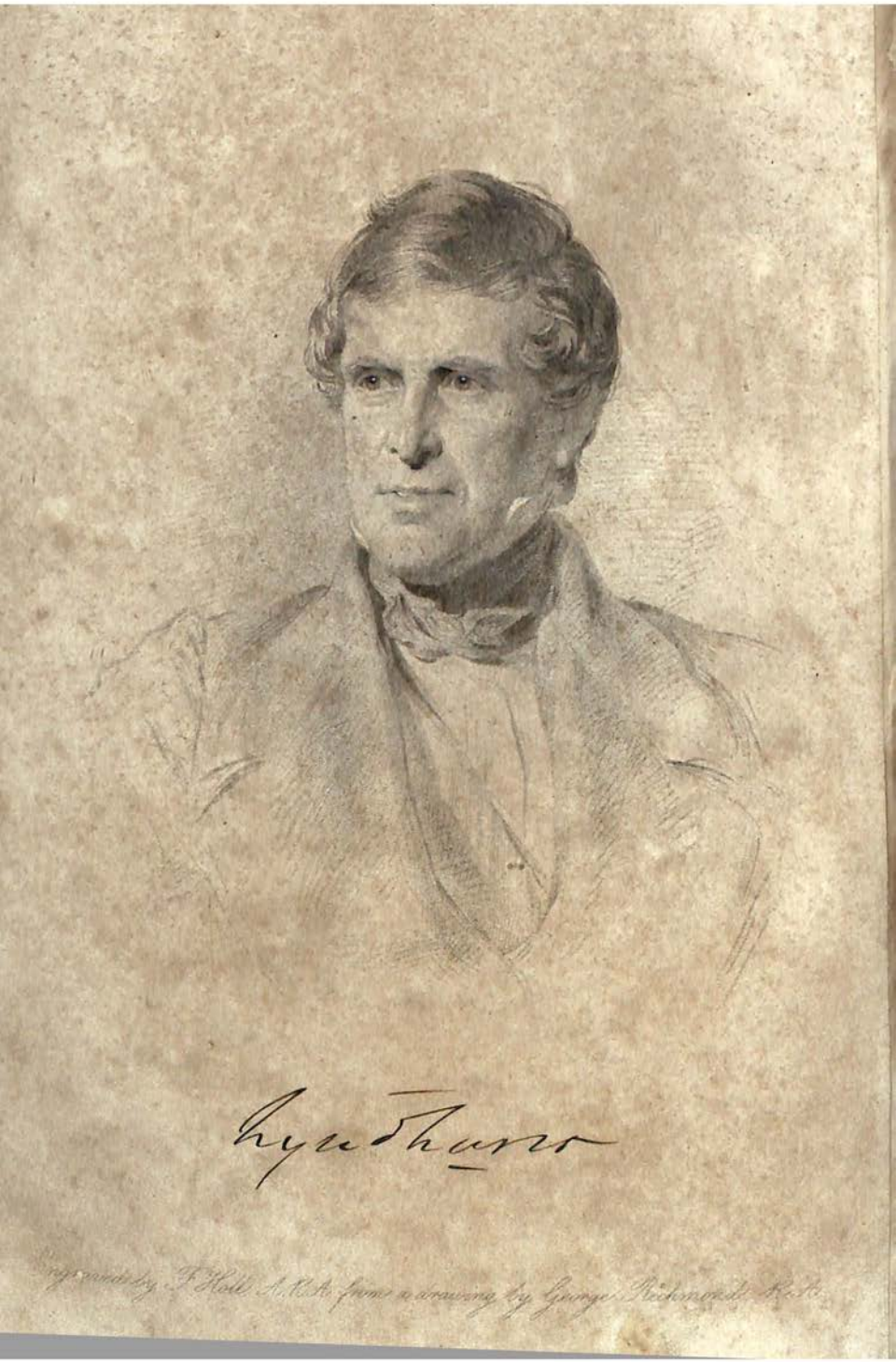
THE
ASIATIC SOCIETY OF BOMBAY
TOWN HALL, BOMBAY-400 023.

Digitized with financial assistance from

HT Parekh
FOUNDATION

An Initiative by
HDFC
WITH YOU, RIGHT THROUGH

on 28 December, 2018



Engraved by F. Holl A.R.A. from a drawing by George Richmond R.A.

84.

A LIFE

OF

LORD LYNDHURST

FROM LETTERS AND PAPERS IN POSSESSION OF HIS FAMILY.

By SIR THEODORE MARTIN, K.C.B.

24208 al

LONDON:
JOHN MURRAY, ALBEMARLE STREET.
1883.

LONDON:

PRINTED BY WILLIAM CLOWES AND SONS, LIMITED,

STAMFORD STREET AND CHARING CROSS.

PREFACE.

It has been said of men truly eminent, that they "think too meanly of themselves or their work to care much to be personally remembered." Such men early begin to feel how infinitely insignificant is the individual in relation to the history past and future of the race of which he may for a time have been a distinguished and influential unit; and, as the years go by, and they look back upon the experience of a long life, this feeling is pretty sure to become a settled conviction. It was so with Lord Lyndhurst. "What have I been," he would say, when pressed by his family or friends to furnish them with materials for his biography, "but a successful lawyer? I have been three times Chancellor, and I have tried to do something for my country in my place in Parliament. But what is there in that to make the world desire to know anything about me hereafter?" Acting on this conviction, he took care that no diaries of his own should survive to gratify curiosity, and upon principle destroyed almost every letter or paper of a confidential nature, which could have thrown light upon his official life, or his relations with the leaders in society or politics, with whom he was intimately associated.

So far, therefore, as he could, he made a complete biography of himself impossible. Lord Campbell has said, that in answer to his request to Lord Lyndhurst

that he would supply him with materials for a life to be included in the 'Lives of the Chancellors,' Lord Lyndhurst replied, "Materials you shall have *none* from me; I have already burnt every letter and paper which could be useful to my biographer; therefore he is at liberty to follow his own inclination." His future biographer made the mistake of construing this answer too literally. He could not possibly have written of Lord Lyndhurst as he did, if he had not felt assured that no private papers were left to rise up in judgment against him.

However much Lord Lyndhurst's family might have desired to respect his wish that no life of him should be given to the world, this was rendered impossible by the publication of Lord Campbell's book. Forming as it does a portion of the voluminous series of his 'Lives of the Chancellors,' which comes within the category of unhappily long-lived books denounced by Charles Lamb, "which no gentleman's library should be without," his biography of Lord Lyndhurst, in the absence of any life authorised by Lord Lyndhurst's family, might in future years be accepted as an authentic memorial of the man whose story and character it professes to depict. Fortunately not all Lord Lyndhurst's papers had been destroyed. Some had been carefully kept by his friends; and of his correspondence in his early years with his elder sister and her husband in America, large portions had been preserved. These have recently been recovered, and, together with his own letters to his father and mother, they have thrown valuable light upon his character and early career. Since his death, too, the publication of memoirs and diaries by his contemporaries has become available to illustrate important passages in his life. From these and such information as might be

gleaned from his surviving friends, it seemed possible to construct an authentic record of his life, and this has accordingly been attempted in the present volume.

The difficulty of the present biographer's task has been greatly and unpleasantly increased by the circumstance that at every stage he has been compelled to call attention to the mis-statements of fact, with which Lord Campbell's biography abounds. But this was unavoidable. Many of his misrepresentations have crept into general circulation, and been reiterated by writers, who had probably neither the means nor the inclination to institute original inquiries. The impression thus produced could only be displaced by dealing with these misrepresentations in detail. The writer has, therefore, not been free to follow the course which would probably have been more acceptable to his readers, as it would certainly have been more agreeable to himself, of tracing the career of Lord Lyndhurst without reference to what had already been written about him. The weight and authority of one who had himself been a Lord Chancellor, writing of his predecessors, could not, however, be disregarded. It was indispensable, in justice to the memory of Lord Lyndhurst, to show that Lord Campbell's self-imposed task had not been discharged with the regard to accuracy and to impartiality which are the first duties of a biographer, but the neglect of which becomes wholly inexcusable in a man, whom his vocation in life and the long exercise of judicial functions might have taught to sift his facts, to distrust his own prejudices, and above all to deal out justice, and to maintain truth. To show this has given the present writer much pain; but he has felt bound to disregard all personal feeling in fulfilment of his duty to the very remarkable man whose life and character he has

endeavoured to the best of his ability to present in their true colours and aspect.

For the assistance rendered to him in placing Lord Lyndhurst's letters at his disposal, he has to express his grateful acknowledgments to the Duke of Wellington, to Lord Derby, to the Right Hon. W. E. Gladstone, and to Mr. Francis Barlow. He is much indebted to Sir Edmund Beckett for the interesting sketch of Lord Lyndhurst's domestic life, published in the last chapter of this volume, which was obtained from its accomplished writer by his kind intervention. He has also to tender his thanks to Lord Denman, Mr. A. Hayward, the Rev. Whitwell Elwin, Dr. James Macaulay, and Mr. Alfred Montgomery, for important information. Had Lord Beaconsfield's papers been accessible, letters of Lord Lyndhurst's of value to a biographer might no doubt have been obtained. The executor, Sir Philip Rose, was about to select them for this purpose, when he was seized with fatal illness.

CONTENTS.

PAGE

CHAPTER I.

John Singleton Copley, R.A., Lord Lyndhurst's father—His work—Comes to England—Is followed by his wife and family—Visits Italy—Settles in London—Young Copley's education—His career at Cambridge 1

CHAPTER II.

Copley appointed Travelling Bachelor—Goes to America—Unsuccessful Efforts to recover Family Estate in Boston—Makes Tour through United States and into Canada—Correspondence—Letters as Travelling Bachelor 34

CHAPTER III.

Copley returns from America—Takes M.A. Degree—Studies under Mr. Tidd—Becomes a Special Pleader—Marriage of Miss Copley to Mr. Greene of Boston, U.S.—Copley's Correspondence with Mr. and Mrs. Greene 68

CHAPTER IV.

Copley called to the Bar—Goes on the Midland Circuit—His early struggles—His political opinions misrepresented—Persevering industry—First great success in defending Luddite Rioter at Nottingham—Becomes Serjeant-at-Law—Death of his father . 99

CHAPTER V.

Remarkable case of Boville *v.* Moore—Copley's care in getting up his cases—Trial of Watson and others—Spa Fields Riots—Copley's successful defence of Watson—Unfounded charge of indolence in preparing for this Trial—Is retained for Government in Trial of Brandreth and others—Enters Parliament . 121

PAGE

CHAPTER VI.

First speech in Parliament—Misrepresented by Lord Campbell—On Dissolution returned for Ashburton—Made Chief Justice of Chester—Marriage—Birth and death of daughter—Becomes Solicitor-General—His speeches in Parliament—Triumphant defence in action Macirone *v.* Murray. 148

CHAPTER VII.

Cato Street Conspiracy—Trial of Thistlewood, Ings, and others—Copley's speeches—Queen Caroline—Discussions in Parliament on her case—Bill of Pains and Penalties—Proceedings in House of Lords—Brougham's, Denman's and Copley's speeches. . 172

CHAPTER VIII.

Copley becomes Attorney-General—His Forensic Style, and Mode of conducting Cases—Discourages Prosecutions of the Press—Becomes Member for Cambridge University—Introduces Bill for Chancery Reform—Appointed Master of the Rolls—Speech on Catholic Disabilities—Canning offers him the Chancellorship—Becomes Lord Lyndhurst. 196

CHAPTER IX.

Lyndhurst's First Chancellorship—His Cordial Relations with Canning—Continues as Chancellor under Lord Goderich's Administration—Campbell applies for, and receives Silk Gown—Denman's application for Patent of Precedence—Difficulties with the King—Duke of Wellington becomes Premier—Lord Lyndhurst continues as Chancellor—Relations with Wellington and Peel—Gives Appointments to Macaulay and Sydney Smith. 219

CHAPTER X.

Wellington Administration—Lord Lyndhurst's great influence in it—Prosecutes for Calumnies—Speeches on Corporation and Tests Acts Repeal Bill—On Roman Catholic Disabilities Bill—Change of views on latter—Reasons for them—Collision with Lord Eldon—Their subsequent reconciliation. . . . 243

PAGE

CHAPTER XI.

Fall of Wellington Administration—Lyndhurst appointed Chief Baron of Exchequer—Correspondence on the occasion with Wellington and others—Raises the Reputation of his Court—His Qualities as a Judge—Case of Small *v.* Attwood—Reform Bill Agitation—Second Reform Bill rejected by House of Lords—Lyndhurst's Speech—Third Reform Bill—Ministry resign, and resume Office on failure of Wellington to form Administration—Reform Bill passed. 271

CHAPTER XII.

Speech on Local Courts Bill—Described by Mr. S. Warren—Death of Lady Lyndhurst—Melbourne Administration in difficulties—Failure to form Coalition with Peel—Death of Lord Spencer—Duke of Wellington called in by King to form Administration—Holds office until Peel's return from Italy—Lyndhurst again Chancellor. 306

CHAPTER XIII.

Municipal Reform Bill—Opposed by Lord Lyndhurst—Attacked by Lord Melbourne and Lord Denman for having once held Radical opinions—Vindicates himself—Lord Lyndhurst's relations with Sir Robert Peel—No foundation for statement that he had at any time sought to supersede Peel. 330

CHAPTER XIV.

Irish Municipal Corporations Bill—Opposed by Lyndhurst—Vindication by him of his Speech in Opposition—Replies to Sheil, O'Connell and Lord John Russell—Bill defeated—Lyndhurst opposes Government Measures of Legal Reform—His reasons—First Review of the Session—Death of his Mother—Letters from the Duke of Wellington and Lord Brougham 345

CHAPTER XV.

Irish Municipal Corporations Bill—Opposed by Lord Lyndhurst—Attack by Mr. Sheil — Lord Lyndhurst's answer — Death of William IV.—Accession of Queen Victoria—Lord Lyndhurst and Mr. Disraeli—Marries Miss Goldsmith—Speech on Juvenile Offenders Bill—Visit of his sister to England—Second Review of the Session—Fall of Melbourne Ministry—Lyndhurst again becomes Chancellor 373

PAGE

CHAPTER XVI.

Lord Lyndhurst as a Judge—Promotes Legal Reform—Speech in favour of Copyright Bill—His Defence of Irish Lord Chancellor — Longing for Retirement — Illness — Sir R. Peel's Anxiety — Failure of Lord John Russell to form a Ministry—Peel resumes Office—Lyndhurst remains as Chancellor—Speech on Charitable Trusts Bill—Bill defeated—Government Coercion Bill rejected—Ministry resigns—Lyndhurst's Delight at Release from Office . 394

CHAPTER XVII.

Unsuccessful attempt to reunite the Conservative party—Attack by Lord George Bentinck—Lord Lyndhurst's reply—Communication with Lord Stanley as to future policy of the Opposition—Life at Turville Park—His social circle—Speech on Canada Bill for compensating losses in Rebellion—Failure of Sight—Temporary Retirement from public life—Is operated on for cataract —Sight restored 416

CHAPTER XVIII.

Lord Lyndhurst's great reputation—Refuses again to take office in 1852—Threatened with loss of sight—Speaks on Baron de Bode's Case—Couched for cataract—Speaks on Oaths Bill—Active for Legal Reform—Opposition to Russian encroachments on Turkey —Visits Paris in 1855—Opposition to Life Peerages—Amendment of Law of Divorce 440

CHAPTER XIX.

Lord Lyndhurst's speeches on Divorce Bill, and Lord Campbell's Bill for suppressing Obscene Publications—His rebuke to Lord Campbell—Speeches on Oaths Bill, and Bill for Suppression of Street Music—Recommends Lord Campbell to Lord Palmerston for Chancellor—His speech on National Defences—Its great effect throughout the country—Correspondence with Lord Campbell—Great Speeches on Naval Defences, and on Paper Duties Bill. 470

CHAPTER XX.

Outbreak of Civil War in America—Lyndhurst's deep interest in it—Visits Mr. Nasmyth, and sees his Lunar Landscapes—His

PAGE

literary criticism—Opinion of him by Lord Granville—Brougham's estimate of Lyndhurst—Peel on Lyndhurst—Reception at Dinner at Lord Campbell's—Sketch of his private life—His religious studies and convictions—Illness and death—Opinions of the Press—Letters from the Queen, Lord Brougham, and Lord Derby—Campbell's 'Life of Lyndhurst'—Opinions of Baron Pollock and others. 496

APPENDIX. 523

INDEX. 528

PORTRAITS.

LORD LYNDHURST. *From a picture by G. Richmond, R.A.* *Frontispiece*

LORD LYNDHURST. ÆTAT 89. *From a photograph by Mayall* *to face p.* 440

I have become a fierce Aristocrat. This is the Country to cure you Jacobins. I send them over and they with return quite converted. The opposition here are a set of Villains.

EXTRACT FROM A LETTER OF JOHN SINGLETON COPLEY TO HIS MOTHER IN ENGLAND, DATED PHILADELPHIA, APRIL 20, 1796.

MEMOIR

OF

LORD LYNDHURST.

CHAPTER I.

John Singleton Copley, R.A., Lord Lyndhurst's father—His work—Comes to England—Is followed by his wife and family—Visits Italy—Settles in London—Young Copley's education—His career at Cambridge.

In 1766, when Benjamin West, the first artist whom America sent to Europe, had been for some time established in London, he was surprised to receive a picture of rare beauty, which reached him without the name or the address of the sender. It represented a boy seated at a table, on which was a squirrel, which he held by a chain. The dreamy expression of the boy's face, and the easy grace of his attitude, were not more remarkable than the skilful distribution of the light and shade, and the richness and transparency of colour. "What delicious colouring! worthy of Titian himself!" West is reported to have exclaimed on first seeing the picture; and he was more than puzzled to divine which of his countrymen could have produced a work of such exceptional excellence. For he felt sure that from America it must have come, as the wood on which the canvas was stretched was American pine, and the squirrel one of the flying squirrels

peculiar to its western forests. Some days later his conjecture was confirmed by a letter from the painter, from Boston, Massachusetts, requesting West's good offices to get his work shown upon the walls of the Exhibition of the Society of Incorporated Artists. His name, John Singleton Copley, had not then been heard in England; but so great were the merits of this specimen of his powers, that, contrary to the rule of the Society, which excluded works by other than its members, it was admitted into the Exhibition, and at once established his reputation among his English brethren.[1] Their interest in the work was increased when it came to be known that Copley was a self-taught artist, who had never been out of his native city of Boston, and had consequently never seen a picture by any of the great masters. It was natural, that he should seek an introduction to England through his countryman West, a man of about his own age,[2] who had, like himself, worked his way to excellence by the force of genius and industry before coming to Europe in 1760; and West, who proved a valuable friend, when Copley came to London some years afterwards, would no less feel a natural pride in being able to communicate to his countryman the favourable verdict which the best English judges had pronounced upon his work.

Encouraged by this success, Copley next year sent to the Exhibition of the Society of Incorporated Artists, of which he was now admitted a member, a full length portrait of a young lady with a bird and a dog. This, like his picture of the previous year, for

[1] The picture appears in the Society's Catalogue for 1766 as "A Boy with a Flying Squirrel," by "Mr. William Copley, of Boston, New England." All Copley's biographers have erroneously given 1760, instead of 1766, as the date.

[2] Copley was born at Boston, 3rd July, 1737; West, in Chester County, Pennsylvania, 10th October, 1738.

which his half-brother had sat, had an interest beyond that of mere portraiture, which might have made them welcome additions to any gallery, and they were sent over in the hope of their being sold.[1] Sold they probably were, and at prices higher than they could have commanded in America. But, however much Copley's ambition was flattered by the reports which reached him from London, motives of prudence made him pause in yielding to the desire he felt to get into the more congenial atmosphere, in so far as art was concerned, of England, and to visit the great European galleries, where he might measure his own powers against those of the masters of ancient and modern art. "I would gladly," he writes from Boston, "exchange my situation for the serene climate of Italy, or even that of England; but what would be the advantage of seeking improvement at such an outlay of time and money? I am now in as good business as the poverty of this place will admit. I make as much as if I were a Raphael or Correggio; and three hundred guineas a year, my present income, is equal to nine hundred a year in London. With regard to reputation, you are sensible, that fame cannot be durable where pictures are confined to sitting rooms, and regarded only for the resemblance they bear to the originals. Were I sure of doing as well in Europe as here, I would not hesitate a moment in my choice; but I might in the experiment waste a thousand

[1] A letter is quoted by Allan Cunningham, in his life of Copley, from the artist to a correspondent in England, Captain Bruce, who admired his works, in which he says: "Both my brother's portrait, and the little girl's, or either of them, I am quite willing to part with, should anyone incline to purchase them, at such a price as you may think proper." The picture of the boy with the squirrel, which Allan Cunningham says Copley never surpassed "for fine depth and beauty of colour," came again into the hands of the painter, and was most highly prized by Lord Lyndhurst, in whose house it occupied a conspicuous place till his death. It was sold at his sale (March 5, 1864) for 230 guineas, and is now in the possession of Mr. James S. Amory, of Boston, U.S.

pounds and two years of my time, and have to return baffled to America. Then I should have to take my mother with me, who is ailing. She does not, however, seem averse to cross the salt water once more, but my failure would oblige me to recross the sea again. My ambition whispers me to run this risk; and I think the time draws nigh that must determine my future fortune."

In 1768 Copley sent over two portraits for exhibition in London. The idea of coming to settle there was still present to his mind; but it appears from one of his letters to Benjamin West, that he left to his countryman's more experienced judgment the decision, whether or not the time was ripe for his coming to Europe. Copley begs him not to let "his benevolent wishes for his (Copley's) welfare" induce a more favourable opinion of his works than they deserved. If West's answer should be in favour of his visiting Europe, he begs it may be sent at once, otherwise he might have to remain in Boston another year, when his mother might be too infirm to accompany him, and he could not think of leaving her. "Your friendly invitation to your house," he adds, "and your offer to propose me as a member of your Society, are matters which I shall long remember."

Either West's advice was in favour of delay, or, what is more probable, Copley's marriage in 1769, made it necessary to postpone the European visit. The new responsibilities which his marriage involved, and the birth of two children—the elder a daughter, and the younger, John Singleton Copley, the future Lord Lyndhurst, Chancellor of England—in rapid succession, led to still further delay. Besides, his mother and his half-brother were entirely dependent upon him; and, before he could proceed to Europe, the means had

to be earned by his pencil both for the expense of his tour and the maintenance of his family during his absence. Accordingly it was not till 1774 that he found himself in a position to carry out the plan which he had long meditated. In leaving America for Europe his movements were probably quickened by the apprehension that the angry feeling towards the mother country which had for some time existed there might result in a state of things, in which people would have neither the desire nor the means to give money for pictures, and therefore that no time was to be lost in seeking a professional opening elsewhere.

Although born in Boston, Copley was not of an old American family. His father, Richard Copley, was a native of county Limerick; his mother was Mary Singleton, a daughter of John Singleton, Esq., of Quinville Abbey, county Clare, a scion of an old Lancashire family which had settled in Ireland in 1661. After their marriage, Richard and Mary Copley emigrated from Ireland to Boston in 1736, and in the following year Richard Copley died, leaving only one son, John Singleton Copley, the future artist. In 1747 (May 22) the widow married Mr. Peter Pelham, of Boston, who died in 1751, leaving one son, Henry Pelham, the original of the picture, "The Boy with the Squirrel," who shared when a young man, his half-brother's enthusiasm for art, and even practised it with so much success as to have his pictures admitted to the Royal Academy; but who subsequently abandoned art as a profession and settled down in Ireland as the manager of Lord Lansdowne's estates there. In 1769 (Nov. 16) John Singleton Copley married Miss Susannah Farnum Clarke, daughter of Richard Clarke, a Boston merchant. By the mother's side she was descended from Mary Chilton, who, in 1620, came from England in

the *Mayflower*, and of whom tradition tells, that she jumped from the boat and waded to the shore, and was thus the first woman of the party to set foot on American soil. Her father, Richard Clarke, as agent for the East India Company, was the consignee of the cargoes of tea which were thrown into the sea at Boston (December 16, 1773), by citizens disguised as Mohawk Indians, in protest against the recently imposed Tea Duties—a symptom of the smouldering discontent with English legislation which was soon afterwards to burst into the flames of Civil War. Copley sympathised strongly with those who resisted the imposition of imperial taxes upon America. But when he left that country he was obviously of the opinion that the differences with the mother country, serious as they were, would ultimately be arranged[1]—as indeed it seems now clear that, but for the absence of a conciliatory spirit in the English Government, they might have been—without a bloody strife and severance of the two countries. Had he not so believed, it cannot be thought that he would have left those who were so dear to him to be exposed, without his support, to all the casualties and miseries of a civil war.

The agitation produced by the introduction into Parliament by Lord North of the Boston Port Bill was at its height when Copley sailed from Boston in June 1744. He reached London on the 10th of July, having visited Canterbury Cathedral on the way, of which all he has to say, in a letter to his wife the next day, is that "it is a very curious building, and

[1] This is apparent from the terms of a letter by him to his wife from Parma, July 22, 1755. By this time, however, things had gone so far that he writes: "Whoever thinks the Americans can be easily subdued is greatly mistaken. . . . It is now my settled conviction that all the power of Great Britain will not reduce them to obedience."

contains several monuments no less so." The country through which he passed, he adds,

> Is surpassingly beautiful. . . . You see a succession of fields of grain, beans, grass, &c., without either fence or hedge to protect them, yet not a spear is trampled upon any more than if the trespass would bring immediate destruction on the offender. Every house with the ground around it, however small and humble, is as neat as possible; really, in comparison with the people of this country, in the way of living, we Americans seem not half removed from a state of nature. Nor do I find the travelling dear; the whole expense of coming seventy-two miles only amounted to three guineas, my food being as good and well served as any gentleman could wish, and my carriage as comfortable as any chariot in Boston, the horses equally good, and well driven by the postilion; all are changed at every stage.

Copley was cordially welcomed by his brother artists. West, who had the year before been appointed Historical Painter to the King, took him to Buckingham House to show him the Royal pictures, and went about with him to all that was best worth seeing in London. Strange (afterwards Sir Robert), the great engraver, called upon him. So did Sir Joshua Reynolds, and at his hospitable board, Copley made the acquaintance of several of the leading men of the time. Both Reynolds and West did their best to procure sitters for their Transatlantic rival, even during the brief period that he could remain in London before setting out for the Continent. Considering the political attitude of England towards America at this time, it is somewhat singular that his sitters were the very persons who might have been expected to look with the least favour upon an artist from Boston, the centre of rebellious American feeling, and who himself made no secret of his opinions as to the injustice of

the tea and other obnoxious duties. Lord and Lady North, the ugliest couple, by general consent, in England, and consequently a severe test of his skill, sat to him; and at the request of Governor Wentworth, the King and Queen promised, if, indeed, they did not actually give, him sittings for their portraits.[1] His days in London, few as they were, for he left on the 21st of August, were turned to account with the energy which marked his character. The way he had been received was sufficient to show that a career was open to him in England. "I might have begun many pictures in London, if I had pleased," he writes to his wife from Rome (October 26, 1774), "and several persons are awaiting my return to employ me. Mr. Wentworth will keep his commission for the portraits of their Majesties for me." To have so quickly made a name among a new and critical public speaks strongly for the man and his genius; and bears out the language of his more distinguished son, in writing of him in 1827. "Considering that he was entirely self-taught, and never saw a decent picture, with the exception of his own, till he was nearly thirty years of age, the circumstance is, I think, worthy of admiration, and affords a striking instance of what natural genius, aided by determined perseverance, can accomplish."

The few pictures of a high order which Copley saw in London only stimulated his desire to become acquainted with the masterpieces of ancient and Italian art. He was now of an age, and sufficiently master of his art, to profit by what they could teach him, without becoming perplexed by the varieties of style, or losing anything of his own individuality

[1] These portraits seem to have been begun at this time, but not finished till after Copley's return from Italy. They are now in Old Wentworth House, Portsmouth.

in the desire to follow established methods. But time was precious, with a family on his hands, and affairs in Boston presented an aspect that was growing more critical every day. He had left England, uncertain whether to return to America, after his Italian tour, or to bring over his family to England, and fix his residence in London. But he had not been long in Italy before a decision was forced upon him by the rapid progress of events in America, which he now saw was likely to result in a total rupture with the mother country. He learnt to his satisfaction that the idea of removing to England was not distasteful to his wife. Soon after his departure she had found herself most uncomfortably placed in Boston, where her father, Mr. Clarke, was obnoxious from his Royalist proclivities, and the turmoil of preparations for the impending Revolution had already begun. "I find," Copley writes to her from Rome (Oct. 26, 1774), "you will not regret leaving Boston. I am sorry it has become so disagreeable. I think this will determine me to stay in England, where, I have no doubt, I shall meet with as much to do as in Boston, and on better terms." The prospect, however, was far from cheering, for it threatened the loss of a property called "Beacon Hill," of about twelve acres, on which the best houses in Boston now stand, but which was then a farm, with some houses upon it, in one of which the Copley family resided. In the same letter he says—

> As for my property in Boston, I cannot count it anything now. I believe I shall sink it all; it is very hard, but it must be submitted to.... I wish I had sold my whole place; I should then have been worth something; I do not know now that I have a shilling in the world.

The next letter from his wife was decisive. In

replying to it from Rome (December 4, 1774), Copley says—

> Your situation must be very unpleasant; the daily expectation of bloodshed must render every thoughtful person unhappy. You have answered a question I asked in my last, namely, "Whether you wished me to go to Boston, or if you should come to England." You seem desirous of the latter. This makes me very happy. . . . Should I now return to America, I should have nothing to do, and I cannot think of going back to starve with my family.

The next few months, full as they were of anxiety about his family and friends in Boston, were devoted to the earnest study of the best works of art in Genoa, Florence, Rome, Naples, Parma, and others of the Italian cities. As might have been expected in one who had already conquered most of the secrets of colour and chiaroscuro, Copley seems to have concentrated his attention chiefly on the finest works of statuary in Naples and in Rome. He was conscious of his own shortcomings as a draughtsman, and in one of his letters to his wife (Florence, June 9, 1775), he expressed a truth which cannot be too often repeated. "A thorough knowledge of the human body, with a fine taste to give to all characters the particular forms that suit best with each, is absolutely necessary to the character of a great and original artist." Time did not permit of his making all the studies from the antique which he wished; but he purchased casts of a few of the finest statues in Rome—"for even in Rome," as he says truly, "the number of the very excellent is not great,"—and had them sent to his address in England, where, having been badly packed, they arrived in a mass of fragments, a disappointment, which Lord Lyndhurst used to say, "he never ceased to feel during the whole course of his life."

When in Parma, on his way back to England, news reached him which caused him the most serious alarm. He writes (July 2, 1775) to his wife—

By a letter from London, I was informed, since I wrote you, that what I greatly feared has at last taken place. The war has begun, and, if I am not mistaken, the country, which was once the happiest on the globe, will be deluged with blood for many years to come. It seems as if no plan of reconciliation could now be formed; as the sword is drawn all must be finally settled by the sword. I cannot think that the power of Great Britain will subdue the country, if the people are united, as they appear to be at present. I know it may seem strange to some men of great understanding that I should hold such an opinion, but it is very evident to me that America will have the power of resistance until grown strong to conquer, and that victory and independence will go hand in hand.

The same views, the soundness of which events were soon afterwards to prove, were expressed even more strongly in another letter by Copley to his wife a few days later (July 22, 1775), where he says—

Whoever thinks the Americans can be easily subdued is greatly mistaken; they will keep their enthusiasm alive till they are victorious. You know, years ago, I was right in my opinion that war would be the result of the attempt to tax the colony. It is now my settled conviction that all the power of Great Britain will not reduce them to obedience.

He had said in a previous letter to his wife (July 2), that he should not be surprised to learn that some of their friends, "having thought it best to come to England to avoid the calamities of war, had arrived there, and that she was with them." When he wrote this, Mrs. Copley had already been some weeks in England, having sailed from America on the 27th of

May, and reached Dover on the 28th of June. She brought with her two of her children, the eldest, Elizabeth, born in 1770, and John Singleton, the second, born at Boston on the 21st of May, 1772. The third, a boy, who appeared after Copley had left Boston, remained behind in the care of Copley's mother, Mrs. Pelham, being too young and delicate to bear the fatigue of the voyage. He died soon afterwards.

Copley was still in Parma hard at work in copying Correggio's St. Jerome, for which he had received a commission from Lord Cremorne, when the tidings reached him of the safe arrival of his family in England. "I am doubly happy," he writes to his wife (July 28), "that I was saved the anxiety I should have endured had I known that you and the dear children were on the sea. . . . My thoughts were full that you should come, but my dear mother ought not surely to have remained. I wish I had written to her more pressingly, for no time in the year could be more favourable. I so wish I could gather her and Harry [his half-brother Henry Pelham] from that miserable place" (Boston).

Copley was thus relieved from one great anxiety. His wife and children were safe on English ground, and well cared for by her brother-in-law, a Mr. Bromfield, who was resident in London. Here Mrs. Copley was soon afterwards joined by her father, Mr. Clarke, from Canada, where he had some time before been driven to seek refuge from the fury of the Boston populace. Copley could now complete his work in Parma with greater ease of mind, and wind up his artistic tour by a visit to Venice. There he spent some time, and then came back to England by way of Germany and the Low Countries. It was not however till December (1774) that the family circle was

completed by his arrival in London. Had he yielded to the promptings of his heart merely, love for his wife and children would have made him curtail his stay abroad. But he had to think of the importance to his future professional career of the knowledge which the picture galleries and public buildings of the Continent could alone place within his reach, and he therefore remained to complete studies which he could scarcely hope to have an opportunity of again prosecuting on the spot.

Copley was most fortunate in his wife. She had great personal attractions, the record of which is preserved in many of his finest pictures. But to these she added the charm of a highly cultivated and independent mind, warm affections, and the power of so governing her household, that she won, and kept to the last, the love and devotion both of her husband and of her children. How Copley loved her in the early days of their marriage is shown in a charming passage of one of his letters to her from Genoa (October 8, 1774). "Could I address you," he writes, "by any name more dear than that of wife, I should delight in using it when I write; but how tender soever the name may be, it is insufficient to convey the attachment I have for you." To him she was always beautiful, and as the years went on, his love was deepened by the daily proofs she had given him of her fine qualities of heart and mind in regulating his household, in bringing light into it by her bright, cheerful, patient spirit, and in binding parents and children together by ties of mutual affection, which neither lapse of years nor change of circumstances could alter or relax.

A family group, painted by Copley a very few years after his return from Italy, presents this admirable woman under the most attractive aspect. By

this time a boy and a girl had been added to the family. The four children, with their mother, her father Mr. Clarke, and Copley himself, are all introduced into the picture. The central point of interest is Mrs. Copley, who is seated on a couch with her then youngest daughter lying across her lap, while she bends towards her eldest boy, the future Chancellor, who is standing by her side, and looking up to claim a share of her caresses with a tender, smiling earnestness, that speaks volumes for the depth of the attachment between the mother and her boy. What we see of this in the picture, Copley had obviously often seen in his home. It was emblematic of the deep affection which bound the mother and her distinguished son to each other through life.

In her memoir of the artist Copley,[1] Mrs. Amory, on the strength of the family tradition, says of the boy—

> In childhood no inducement could lure him from her side. He would follow her on the round of daily duty with the most tender affection; and when that beloved parent had attained within a couple of years to the great age at which he himself died, the sacred bond was still unbroken, she idolizing him, and esteeming it the peculiar blessing of her favoured lot that her pilgrimage on earth had been protracted long enough to witness that success of which his father was privileged to see only the promise.

The "Family Picture" hung upon the wall of Lord Lyndhurst's dining-room until his death, and his dying eyes rested upon it. "See, my dear," he said to his daughter, as he pointed to it from his bed; "see, my dear, the difference between me here and there!"[2]

[1] "The Domestic and Artistic Life of John Singleton Copley, R.A. By his granddaughter, Martha Babcock Amory. Boston, 1882." Mrs. Amory was the daughter of Copley's eldest daughter. She died in 1881.

[2] After Lord Lyndhurst's death this picture passed into the hands of Mr.

This picture, when first painted, was greatly admired, and helped to sustain the reputation which Copley quickly established after his return to London. He soon obtained numerous sitters for portraits upon what were in those days considered handsome terms. But what gave him a higher position among the painters of the day were his pictures of dramatic or historical interest. The earliest of these, "A Youth Rescued from a Shark," illustrative of an accident which occurred to Mr. Brooke Watson, when a young man, in the harbour of Havannah, was exhibited in 1779; and in the fine mezzotint of Valentine Green kept its place on many a wall in England down to very recent times.[1] Still more admired were his pictures of the collapse of Lord Chatham in the House of Lords (April 7, 1778), generally known as "The Death of Chatham,"[2] although he did not in

---

Charles S. Amory, of Boston, U.S. It was last publicly seen in England at the Great Exhibition of 1862, and was sold for 1000 guineas after Lord Lyndhurst's death.

[1] This picture was presented by Copley to Christ's Hospital School.

[2] Copley has recorded in his picture an incident in this scene which had become forgotten until recalled to notice by the publication in 1845 of the contemporary letter from Lord Camden to the Duke of Grafton, preserved in the Duke's MS. Memoirs, and subsequently by Lord Stanhope in his History of England, vol. vi. p. 45. Ed. 1853. "Lord Chatham," Lord Camden writes, "in attempting to rise and reply to the Duke of Richmond, fell back upon his seat, and was to all appearance in the agonies of death. This threw the whole house into confusion; every person was upon his legs in a moment, hurrying from one place to another, some sending for assistance, others producing salts and other reviving spirits, many crowding about the Earl to observe his countenance, all affected, most part really concerned, and even those who might have felt a secret pleasure at the accident yet put on the appearance of distress, except only the Earl of M., who sat still, almost as much unmoved as the senseless body itself." The only Earls of M. present that day were Lord Marchmont and Lord Mansfield. Lord Brougham thought Lord Marchmont was the person meant, Lord Campbell thought it was Lord Mansfield ("Lives of Chief Justices," vol. ii. p. 507). Lord Stanhope took the same view, and supported it by reference to the fact that Lord Chatham had, in his last speech, when arguing against the fears of a foreign invasion, attacked Lord Mansfield on the ground of his alleged early Jacobite leanings. "Of a Spanish invasion," he had said, "of a French invasion, of a Dutch invasion,

fact die till a month later (May 11); and "The Death of Major Pierson," in repelling the attack of the French at St. Helier's, Jersey, on the 6th of January, 1781.[1] Both these fine examples of Copley's powers as a historical painter are now in the National Gallery. Here also is a small replica, by Copley himself, of a large picture of "The Repulse and Defeat of the Spanish Floating Batteries at Gibraltar" (September, 13, 1782), which he painted for the Corporation of London. Another of his historical pictures, now in the Public Library of Boston, U.S., which attracted great notice at the time, and is a monument of Copley's painstaking industry, is Charles I. demanding in the House of Commons (4th of January, 1642) the surrender of Hampden, Pym, Hollis, Hazelrig and Strode. The moment chosen for the picture is when the Speaker Lenthall, dropping on his knee, gave the memorable answer to the king: "I have, sire, neither eyes to see, nor tongue to speak in this place, but as the House is pleased to direct me, whose servant I am, and I humbly ask pardon that I cannot give any other answer to what your Majesty is pleased to demand of me." This work, commenced in 1785, contained no fewer than fifty-eight likenesses, all of which were studied from original contemporary

many noble lords may have read in history; and some lords," here he looked keenly at Lord Mansfield, "may perhaps remember a Scotch invasion." A reference to Copley's picture settles the question; in it Lord Mansfield retains his seat, looking as Lord Camden describes him. The circumstance is the more remarkable, as his figure does not appear in the sketch for the picture, which now hangs beside the finished work in the National Gallery.

[1] Painted in 1783 for Alderman Boydell, for his gallery. When this was dispersed, it was bought back by Copley, and remained in the house in George Street till Lord Lyndhurst's death, when it was purchased for the National Gallery for 1500 guineas. The woman flying from the crowd in terror, with the child in her arms, was painted from the nurse of Mr. Copley's family; the figure between her and the wall, with the upraised arm, is Mrs. Copley; the boy running by the nurse's side is young Copley.

portraits, either sent to Copley by their owners, or sought out by him in the country houses where they had been preserved. As in the other pictures already mentioned, the subject is treated with great spirit, and unusual skill is shown in the disposition of the numerous figures. Other pictures, of either historical or romantic interest, were from time to time produced with more or less success, and, while they kept Copley's name prominently before the public, commanded prices which, with those received for portraits, very early placed the artist in a position of comfortable independence. The popularity of the fine engravings by Bartolozzi, Heath, Sharpe and others from his historical works, added to his income, while the highest honours of his profession were accorded by his election as a Royal Academician so early as in 1779.

From Leicester Fields,[1] where Copley lived for some time after his return from the Continent, he removed to a small but commodious house, No. 25 George Street, Hanover Square, of which he purchased the fee-simple. Here the rest of his life was passed in the active practice of his art. With his brush in his hand, every care and anxiety, Lord Lyndhurst has recorded, were forgotten. On his death, in 1815, this house became the property of his son, who also continued to live in it, except for a short interval, till his death, and who loved it dearly as the home where he himself, and those he loved best, had spent their happiest hours. Here the three youngest members of the family were born, two girls and a boy, and here this boy, and the elder of these girls, died of scarlet fever in 1785. This breach in the family circle deeply affected their mother, who did not for many years recover from the blow; and the

[1] Lord Lyndhurst had a lively recollection of having seen the Gordon Riots in June 1780 from the windows of his father's house.

warmth of feeling with which Lord Lyndhurst occasionally referred to it, showed how deep was the impression which the loss of his young companions had made upon him at the time. Mrs. Copley's father, Mr. Clarke, was an inmate of the house till his death in 1795; and it continued to be Mrs. Copley's home till 1836, when she died at the ripe age of ninety-one.

Family tradition speaks of young Copley as a boy of great vivacity and humour, contrasting strongly with his father's contemplative and visionary cast of mind and the calm and somewhat serious temperament of his mother.

"Friends from this side of the Atlantic," Mrs. Amory writes, "carried back to Lord Lyndhurst the tales they had heard of his boyish pranks, and how his father would reprove him, and exclaim, 'You will be a boy, Jack, all your life!' At which the aged statesman would gently smile, as the memories of his youth rushed on his mind, and answer, 'Well, I believe my father was right there.'"

He was educated at a private school at Chiswick, kept by Dr. Horne, father of Sir William Horne, some time Attorney-General and afterwards Master in Chancery. "The doctor," Lord Lyndhurst writes, in a memorandum jotted down by him in his ninety-first year, "was a good classical scholar, and infused into us a fair proportion of Latin and Greek." Dr. Horne obviously thought highly of his pupil, for in a letter to a friend (Mr. Charlewood, of Trinity College, Oxford), he writes (Nov. 23, 1789), "Copley is on the point of leaving us and entering at the University, as he believes, but whether Oxford or Cambridge I know not. He is a prodigiously improved young man." Early he acquired the habit, so conspicuous in after life, of thoroughly mastering and fixing with precision in his memory whatever engaged his attention, whether

in science or in literature. To his elder sister, to whom he was in the habit of repeating his lessons in the classics, he used to say, "No matter whether you understand the text or not, be sure I make no mistake in a single word, or even in an accent." From the first he showed great aptitude for mathematics, and also for mechanical science; and, living as he did in the midst of artists, he availed himself of the opportunities which were open to him of attending the lectures on art by Sir Joshua Reynolds, Barry and others. Speaking (4th March, 1859) in the House of Lords, on a motion in regard to the Royal Academy, he referred with satisfaction to the days when he attended these lectures,—"when he was very much associated with the proceedings of the Royal Academy, and intimately acquainted with many of its members."[1] He used to tell of being present at one of Reynolds's lectures, when an alarm arose that the floor was about to give way, and Burke, who was among the audience, appealed to them to be calm, and not to accelerate the catastrophe by a rush. He had no gift for the painter's art; but in his early days he wished to become an architect. For this vocation he had a natural genius, and to the end of his days retained his love for it. When far advanced in years, he would amuse Lady Lyndhurst, when visiting at some of the great country houses of his friends, by pointing out their defects of design and arrangement, and showing how advantage might have been taken of site and other circumstances to produce structures more beautiful and commodious.

How welcome young Copley's letters were at home,

[1] See Appendix for account of a pamphlet by him in 1804, which shows the active interest he took in its proceedings, an interest which, it is apparent from his speech referred to in the text, he continued to feel through life.

may be inferred from the following specimen of them, written obviously on the eve of his leaving Dr. Horne's School at Chiswick. He was then in his eighteenth year :—

Chiswick, December 4, 1789.

My dear Mother,—

"The Pylian sage at length the silence broke."—*Pope's 'Iliad.'*

I do not mean by this line to imply that I am in any respect like the Grecian sage, except merely in that of interrupting a long silence. Perhaps you will be surprised if I say I have expected a letter ever since my last visit; no doubt you have done the same from me; this I can readily conjecture without much stretch of thought. I have accordingly set pen to paper, in order to satisfy you, expecting at the same time shortly to be satisfied myself, if the old adage be true, "set your bait and you'll catch fish."

I shall make no questions concerning my father's cold, which, from your silence, must have vanished long ago. I shall ask nothing concerning the great picture, as the group is doubtless already finished. I shall ask nothing concerning my sister's *embonpoint*, as it must require (pray excuse the idea) a summer's heat to melt it down: in fine, I shall make no inquiries, but tell my own news in three lines, news which merits the pen of a Cicero. Thursday next, at 12 o'clock, is our speaking day, and a few days after, if you wish to hear Alexander's Feast, come; if you wish to hear Greek and Latin, prose and verse, come; if you wish to hear the thundering of Chiswick orators, come; but prepare to smile and clap, fatigued or pleased. Come, and bring with you all who are of that mind, I mean within the bounds of your own walls. No strangers can possibly be admitted: reflect upon eighty fathers, mothers, and sisters; reflect upon the size of our room, and you cannot err. Duty to my father and grandfather, love to my sisters.—Your dutiful son.

Another letter of young Copley's to his mother, written about the same time, has also been preserved.

I received your letter of the 25th instant, together with the book you sent, and am very well pleased with the opportunity of taking upon myself (by Confirmation) those baptismal vows which were entered into in my behalf by my godfathers and godmother, to whom I shall always think myself highly obligated. I am very far from thinking the practice of religion can in any degree interrupt any of the enjoyments of this world, and am of opinion that it not only increases every pleasure, but likewise mitigates every grief. If we have any gratitude for a favour conferred by a mortal, how much more ought we to have towards our Maker, to whom we owe our existence and everything we enjoy! If we kneel before a monarch, what should we do when we address Him who formed the universe! I am, with all respect, your dutiful son.

Young Copley's abilities, which made themselves felt among his family and friends as of no common order, seemed to point to the Bar as the true sphere for their exercise. With a view to this his father decided on his going to Cambridge. Accordingly on the 8th of July, 1790, he was entered as a pensioner at Trinity College. He was then eighteen. It was intended that he should have gone to Trinity Hall, which his father had been told was the right college for a future student of law. But as the two Copleys travelled down to Cambridge in the stage coach, Dr. Gretton, afterwards Dean of Hereford, travelled with them, and on learning the college for which young Copley was destined, he mentioned, that at that time neither law nor anything else was much taught at Trinity Hall—a stigma under which it has certainly not laboured for the two last generations at least—whereas Trinity, of which he had himself been a fellow, was the only place for a lad of ability. Dr. Gretton then asked permission to examine young Copley, and, after having done so, said, "If you do not let your son, with his manifest powers, go to

Trinity, he will be utterly thrown away." Accordingly to Trinity he went.[1]

Of young Copley's doings at the University no authentic record remains. They were, no doubt, very much those of every young man of ability, who delights in gathering knowledge at once for its own sake and as the instrument by which he hopes to make his way in the world. The bent of his mind was towards mathematics, chemistry and physical science, but this was tempered by a love for classical literature which remained with him through life. In delivering judgment in 1842, in the case of the Manchester Free Grammar School (Attorney-General *v.* Lord Stamford. Phill. p. 761), where an attempt was being made to change the character of the school, and confine the teaching to a purely mercantile education, he said, "I think it is of the utmost importance that we should be, as far as possible, all of us brought up according to one general system of education; and no system is better fitted for refining and humanizing the manners of a nation than a system of literature founded on classical learning."

The quickness of his perception, and the rare precision and tenacity of Copley's memory, made it compara-

[1] I am indebted for this anecdote to Dr. Gretton's son, the Rev. F. E. Gretton, Rector of Oddington, who informs me that the acquaintance thus made ripened into intimacy, in token of which Copley asked to be allowed to paint and did paint the portraits of Dr. Gretton and his wife. The incident remained in Lord Lyndhurst's memory, and was gratefully cherished there. When he stood as Attorney-General in 1826 as candidate for Cambridge University, a son of Dr. Gretton's was brought up to be introduced to him by the Chairman of his Committee. "Nay," said Copley (then Sir John), "no introduction is needed. Had it not been for this gentleman's father I should not have come to Trinity, and unless I had come there I should never have been in a position to aspire to represent the University." "This offhand sentence," Mr. Gretton writes, "was at once kindly to the individual and a graceful compliment to the University. But Lord Lyndhurst did not confine his kindliness to words. When already rising in his profession he manifested much active courtesy to one of my brothers, then a young law-student in London, and, when Lord Chancellor, he gave a living to another."

tively easy for him to cover a large area of literary study in these early days. And what he learned then remained with him, and was ready to be turned to account in after years, when the claims of his profession, of political life, and of society, left him little leisure for such studies. It was the same with his mastery of mathematics and of physical and mechanical science. So thoroughly grounded was he in these studies, that he was able to apply his knowledge of them with a readiness and skill which gave him pre-eminence both at the Bar and on the Bench in patent and other cases relating to mechanical inventions or to scientific processes. His memory, too, was of a character so tenacious and exact, that very late in life he was able to fix the date of an event that was mentioned in conversation by remembering that it occurred at a time when he had just entered on the study of Newton's "Principia" at the University.

A few of his letters from Cambridge have been preserved. They are chiefly interesting as affording proofs of the strong affection which subsisted between the young student and those whom he had left at home, and of the pleasant temper, and bright spirit, and thoroughly kind heart which obviously made him greatly missed there. Here is one to his eldest sister, written with something of the quaint formality of a letter in a last century novel :—

Cambridge, February 3, 1791.

"His turns too closely on each other press;
He more had pleased us had he pleased us less."

These two lines were intended by their author to characterise the works of Cowley; they proceed, as you very well know, from the polished pen of Addison.

This elegant critic and agreeable moralist seems to agree in the vulgar opinion that there may be too much even of a good thing. Following the steps of so distinguished a guide, I have reflected that whatever might have been the charms

of my company, however I might have contributed to enliven the conversation of the tea-table, or to keep in due exercise the argumentative faculties of your papa, still a constant repetition of these sweets—sweets great indeed—must at length have deducted somewhat from their original power, and made absence, at least for a short time, necessary to forming a just estimate of their value. To heighten the effect of this absence, I have kept my pen for two days silent, pleased with painting to myself the delight that the receipt of a letter, after such an interval, must inspire.

I behold you reading over each line ten times, spelling every word, counting the stops, afraid to arrive at the end: your appetite is already flown. Adieu, draughts! adieu, cards! Three nights you lie sleepless! What snatching to look at it! What silence during the perusal!

But how can I be so light, when I have just heard related the particulars attending the death of poor Monck! He had been at supper in the hall. He came out in company with several young friends. One of these happened to be a little overheated with wine, and not being in a condition to study wished to go home with Monck; who, on his part, desiring to be alone, and considering how he might best avoid his companion, concluded that no means would be so effectual as flight. The night was dark. He ran, and in endeavouring to escape, heedless of his road, fell violently against the edge of a copper dial. He struck his temple, and sunk to the ground; he presently after rose, and again fell. He was carried to his room. When he got there he said to the friends who were about him that "he was sure he should die," and immediately began to pray; he was soon after taken delirious, and died the next evening. His funeral was attended by several of his young acquaintances. Monck was a quiet, well-disposed youth, universally esteemed. What a lesson does so sudden a fate lay before us! The conclusions are too obvious to require mention. I am too sad to add anything more. My duty and love I beg you to distribute. Your affectionate brother.

The next of young Copley's letters which has been preserved, and which is addressed to his mother, is in the affectionate strain which distinguishes all his

communications to his family. The little touches of youthful pedantry in his description of his pursuits, and in his moralizing upon their aims, are not unwelcome, so wholly in contrast as they are with anything that was to be found in the full-grown lawyer and statesman of later years. But when he says of himself, "I am naturally a friend to gaiety; I love to see what is to be seen," he hits off a characteristic which coloured all his life.

Cambridge, February 26, 1791.

It is from your goodness alone that I can expect pardon for my late silence; apology I can offer none.

I shall merely hint that the progression of time is so rapid that I am often remiss in attention to my friends, without observing my error. If, indeed, I could suppose that my letters afforded you any proportion of that delight which I derived from the perusal of yours yesterday, I should look upon my silence as wholly unpardonable. And yet you tell me that you daily expect the arrival of the postman with impatience. They are then productive of at least some gratification. It must be so. Away then all study; away every other pleasure except that of contributing to the happiness of a kind and indulgent parent!

First, then, to speak of myself. I have descended from the attic to the middle story. My room contains eight chairs and two tables commodiously. Not so extremely small, you perceive. Here, according as my inclination prompts, I either turn over the pages of science, or wander through the flowery and less rugged paths of poetry and polite literature. Do not imagine, however, that I am so enveloped in these pursuits as to neglect amusements of a lighter nature; they are in their turn, perhaps, equally important. I am naturally a friend to gaiety; I love to see what is to be seen. Sometimes I stroll into the coffee-house to sip my tea, and read the papers by the way, or, to write more elegantly, *apropos*. I find Mr. Paine has published his answer to Burke.[1] I expect to see it to-morrow.

[1] 'The Rights of Man,' by Thomas Paine, of which the first part was published in 1791. It was written in answer to Burke's 'Reflections on the

Sometimes I visit my friends, converse with them, or perhaps debate. Yet still, though I love these things, I love them in their season; they are more grateful after a morning spent in study. Study, unless prosecuted with considerable industry, benefits little; some say, not at all.

> "A little learning is a dangerous thing;
> Drink deep, or taste not the Pierian spring;
> These shallow draughts intoxicate the brain,
> And drinking largely sobers us again."—*Pope.*

The same poet goes on:—

> "Oft at first sight with what the muse imparts
> In fearless youth we tempt the heights of arts,
> While from the bounded level of our mind
> Short views we take, nor see the lengths behind;
> But more advanced, behold, with strange surprise,
> New distant scenes of endless science rise."

Though it be impossible to arrive at the summit of the hill, let us endeavour to approach as near to it as we are able. Labour and perseverance overcome many great obstacles, and it must be remembered that the honour which attends the attainment of any object is proportional to the difficulties and impediments with which it is entrenched. I proposed to speak first of myself, but I find I have engrossed so much of the paper that there is no room for company. Duty, love, compliments. Your dutiful and affectionate son.

P.S.—I left in town a pair of small knee-buckles, Aristotle's Poetics, translated by Pye, a small book in marble paper. I wish for my foils. These could be easily transported hither by the coach which sets off from the Queen's Head, Gray's Inn Lane.

The following letter, also to his mother, is without date, a bad habit which distinguished the writer to the last; but it must have been written in 1791, as it refers to his father's picture of "Hagar and Ishmael in the Wilderness," which was begun in that year. The searching method of the future lawyer is conspicuous in the way young Copley set to work to prove, to the

French Revolution.' The second part, published in February 1792, contained a vehement attack on monarchy and upon George III. personally.

confusion of his father, that Ishmael was not the little boy that, as he playfully calls his father, "the Knight of the Brush," following the practice of the older painters, had represented in his picture.

So Saturday is to be the great day! Well, I shall prepare for the reception of the celebrated artist. But you have given me no idea with respect to the probable duration of the visit. Only four sheets, I assure you!

"Mr. Copley, shall I have the pleasure to take a glass of wine with you? I saw your father the other day, I dined with him at Lord Carlisle's" (says some one).

Yesterday being Sunday, I read my Bible. I am very sorry to inform the Knight of the Brush that Gilgal was about forty miles from the nearest town or city that Saul destroyed in his expedition against Agag; and I wonder that a person of my father's profound biblical information should have committed so unpardonable an error as to reduce that distance to five or six hundred paces.

I have a few words to write relative to Ishmael's age at the time when he was expelled from his father's house.

(1.) The text says expressly that Abraham was eighty-six years old when Ishmael was born (Gen. xvi. 16).

(2.) When the new covenant was made with Abraham, he had attained his one hundredth year (Gen. xvii. 1), about twelve months after which Sarah was delivered of Isaac (Gen. xvii. 21).

(3.) Ishmael was therefore fourteen years older than Isaac.

(4.) We may collect from Gen. xxi. 9–14 that Ishmael was not driven from under his father's roof till Isaac was weaned, and it is most probable that the expulsion immediately followed that event.

(5.) At what age was it customary to wean children among the Jews? There are two cases mentioned in the Scriptures that may serve to elucidate this point: in one of which the child was suckled for three years (2 Mac. vii. 27), and in the other it is probable he was weaned at a more tender age (1 Sam. i., ii). At present, I believe, children are usually fed by hand at the expiration of one year, and it could not well be sooner.

(6.) It is therefore clear that when Ishmael was turned from Abraham's door he was at least fifteen years of age; it is *probable* he was seventeen; it is *possible* he was still older.

If I recollect my father's picture, Ishmael is represented as about twelve or thirteen years of age, and certainly too young. A merciless critic! I pull the girls' caps! Adieu. Very affectionately.

The only other letter of this period which has been preserved, is one written immediately on his returning from home to Cambridge for the winter term.

Cambridge, Monday Noon, November 10, 1791.

It has cost me some little time to move from my old lodgings, and to get settled in those which I at present occupy. The first leisure moment I consecrate to you, and sit down to inform a kind mother of my welfare, complying thus with her desire, and at the same time most gratefully indulging my own inclinations. Nothing particular occurred on the route, nor indeed has anything worth notice presented itself since; if, therefore, I lengthen out my letter it must be with expressions of that affection and filial regard which glow in my heart, and which no distance can ever diminish, no time can ever impair. Let me entreat that you will often write to inform me of your health and happiness, and of the situation of those various and complex concerns which at present engage and agitate the minds and bosoms of our circle in George Street.

My duty and respects attend all who compose that circle, upon the charms of whose society I cannot look back without regret. Your affectionate and dutiful son.

The loving relatives who "composed that circle" obviously anticipated the highest honours for one whom they knew to be gifted with superior powers of mind, and whom they had no reason to believe to be otherwise than industrious. And most industrious he must have been to come out, as he did, in May 1794, from his examination as Second Wrangler, although he had only nine months previously taken

up seriously the study of Mathematics. Like many other young men, over-confident in the quickness of their perception and the tenacity of their memory, he had put off too long his preparation for the struggle for honours, and given to his boat and fishing-rod the hours which should have been devoted to study. But, as the time drew nigh, he found he had to make up for the lost hours by working late into the night, under the stimulus of strong tea and with wet bandages on his head. How hard he worked will be seen from the letters to be presently quoted. In his close and protracted application he had over-tasked his strength, and, apparently to the great chagrin of his parents, had been remiss in his correspondence home. It is thus he announces to his father the result of his examination :—

Cambridge [17 Jan.], 1794.

I write to you in haste to let you know that the examination for bachelor's degree is terminated, and the issue is that I am *second* wrangler, which, for fear you should not understand the term, means *second* man. Perhaps you will be discontented that I am not *first*, but my health was my only enemy. It is now half-past eight, and therefore I terminate. Will write more to-morrow. I am the more pleased at my place as this study has been only adopted by me within these nine months, whereas several of my opponents have been labouring for years. As I predicted, I am *first* in my own college. I am very tired and very unwell.

The last words of this letter alarmed young Copley's mother, as he soon found by a letter from her, and he hastened to relieve her anxiety by an assurance that he had only been suffering from temporary fatigue. But, when questioned closely afterwards why he had allowed himself to be outstripped in the race for honours, he said it was because the strain upon his health was too great, and he had not been able to

do himself justice. In fact, it brought on a severe attack of jaundice."

Cambridge, Jan. 1794.

I am sorry you should entertain a moment's uneasiness on my account, and hope this letter will remove every particle of that anxiety which was expressed in your letter of yesterday. If anything did by accident slip from my pen that could give colour to the least suspicion of my being otherwise than perfectly well, it is with the utmost readiness I recall it. When I wrote, the contest was just concluded, and I was most excessively fatigued; but one night's rest restored everything. With respect to my not writing in reply to my father's letter, how was it possible that you could receive on Saturday an answer to a letter which did not reach me till Saturday? I expect, my dear mother, to be in town in the course of the week, till which time I wish you all imaginable quiet and happiness. In mean time, believe me to be your affectionate and dutiful son.

To his father he wrote to explain the reasons of long silence, in answer to what seems to have been a severe rebuke for having occasioned anxiety in the home where his letters were obviously one of the chief elements of the day's enjoyment.

Cambridge, Jan. 25, 1794.

After having exhausted almost every species of apology that was ever yet used by a negligent son to his indulgent and kind friends, what new reason am I now to allege for my late long and obstinate silence? Any but the true cause would be insufficient, and I fear that will scarcely ensure a pardon. For what will you say when I assert that I have been so closely occupied the whole of this term that I have scarcely had a moment for my own amusement, and for the gratification of my friends? To advance such a position, unless I could prove it by convincing evidence, would endanger my credit and raise suspicions of my veracity. The first part of this term I was busily employed in preparing for examination which was to qualify me for the dignity of a scholar of

the college. The candidates were numerous, and as seniority was generally very much regarded in the election (I being the *last* entered of my year), I was obliged to supply by some degree of superior merit this deficiency. The result was successful. No sooner was this contest concluded than the preparation for a new one succeeded,—the annual examination of our knowledge in mathematics, Locke, and moral philosophy. This terminated yesterday, and I was unwilling to answer Betsy's letter till I could inform you of my gaining a prize. About half an hour since, it was determined, and I was adjudged to be in the first class. This, though it will not atone for my negligence, will, at least, go some way towards gaining a pardon. I shall, I hope, in a very short time have the pleasure of meeting my friends in George Street. It is a period to which I look forward with delight. . . . I am afraid to let you know that, anticipating your permission, I have had the boldness to draw upon you for ten guineas, not wishing to leave college in debt. The post will *really* go in ten minutes; you will, therefore, be kind enough to present my duty and love, etc., etc. Your dutiful son.

Two days later young Copley was able to send to his father the pleasant news that he had come out first Smith's prizeman. This he did in the following letter:—

Cambridge, January 27, 1794.

I again address you,—the subject myself. The whole business is finally settled. You must know that when the celebrated Dr. Smith, formerly master of Trinity, died, he left two prizes of £25 each, to be given to those two persons who should approve themselves the best proficients in mathematical and philosophical studies. This was at a time when the degrees in the senate house were conferred merely by favour or interest. He left it, therefore, as some reward to those who should exert themselves in acquiring that species of knowledge which he thought most deserving of encouragement. The judges were to be the Master of Trinity, the Master of Caius College, the Plumian Professor, the Lucasian Professor, and the Vice-Chancellor.

Now this examination is about four or five days after the degree of bachelor is conferred. It is this which has confined me in Cambridge, and, I have the satisfaction to say, not without compensation, I having been fortunate enough to get one of these prizes. But it unfortunately happens that this money is not payable till Lady Day, the 25th of March (Annunciation Day); otherwise I should have been already in London. I would make over the sum to you if you would suffer me to draw upon you for the amount, deducting the discount, and would arrive in town the day after. A thousand little *ticks* (bills) that one had no idea of show their heads when they think it may be the last time of meeting. Expecting your answer, I remain your dutiful son.

Pray excuse so shocking a scribble, but I am tired, and my pen and mind are both worn out.

A letter from young Copley's tutor—a Mr. Jones of Trinity, who is said to have been a man of considerable mark[1]—congratulating the elder Copley on his son's success, mentions that his pupil had "of late been very studious." Nor is there any reason to believe that he relaxed his exertions in order to qualify himself for the profession which now he finally decided to adopt. On the 19th of May of the same year (1794) he was admitted a member of the Hon. Society of Lincoln's Inn, and he kept the Easter term of that year. He did not, however, settle down at this time to the study of the law, but returned to the University, where he obtained a Fellowship in 1795. This event was announced to his father by his tutor, Mr. Jones, in a letter dated the 1st of October, in which he states, that his pupil's "success is the more honourable as it was obtained the first time of his appearing as a candidate. As," he adds, "he is not to look forward to any further examination in this place, he will be at

[1] He is very highly spoken of by Professor Pryme in his 'Autobiographic Recollections,' Cambridge, 1870, p. 38.

liberty to devote the whole of his attention to the study of the law, in which profession his well-known talents will unquestionably secure him success." To his father young Copley wrote the same day—

I have the pleasure of informing you that I am just elected Fellow of Trinity College, which I hope will give you and my other valued friends in George Street as much satisfaction as I have experienced myself. But as there are various baths of allegiance, supremacy, abjuration, and nobody knows what, to be taken to-morrow, it will be impossible for me to be in town before dinner-time on Saturday. In the mean while, I wish you all joy, happiness, etc. etc.

Young Copley had previously, in the Michaelmas term of 1794, competed successfully for the King William Prize. His essay on "The Character and Memory of William III.," to which its author attached no value, regarding it merely as a college exercise, was preserved by his younger sister.[1] It is, in truth, no more than might have been written by any average student—the only characteristic feature being the absence of rhetorical exuberance and a measured gravity of judgment. The writer, if he had been at all infected by the prevailing Radicalism of that day, has certainly contrived most effectually to conceal the taint, even under the temptation which the subject would naturally offer to a young man of high spirits and not without enthusiasm in matters concerning popular rights and the freedom of political opinion.

[1] It will be remembered that Macaulay took this prize. Some specimens of his essay are given in his Life by Mr. Trevelyan, vol. i. p. 83, *et seq.* They are more showy than anything to be found in young Copley's, but, as a study of William the III.'s character, both essays are equally unimportant.

CHAPTER II.

Copley appointed Travelling Bachelor—Goes to America—Unsuccessful Efforts to recover Family Estate in Boston—Makes Tour through United States and into Canada—Correspondence—Letters as Travelling Bachelor.

BEFORE young Copley went in for his Fellowship, it had been decided that he should pay a visit to America.[1] Having obtained from his College (10th August, 1795) the appointment of travelling bachelor with a grant of £100 a year for three years, he was able to carry out this intention without pressing too heavily upon his father's purse. This was obviously a matter of some importance, for although the elder Copley was well employed as a portrait painter, and was, moreover, most industrious in the production of fancy and historical pictures, his income was apparently no more than sufficient to meet the ordinary expenses of his home.

Since the conclusion of peace in 1784, things had settled down in America to their normal condition, and the painter seems to have thought that he might find his art yield him as good and perhaps more steady returns there, where he would be without a

[1] This appears from a letter, dated September 23, 1795, to the elder Copley from his brother, Henry Pelham, who was now settled in Ireland, in which he writes: "I long greatly to hear what success my nephew, John, has had at Cambridge. I flatter myself it is such as he could wish. In his tour to America, I wish him most sincerely a safe and prosperous voyage, and shall hope ere long to hear of his return to George Street."

rival, than in England, where he had to compete with other painters of skill not inferior to his own. He had left behind him, as already mentioned, a good property of twelve acres in Boston, called the Beacon Hill. It had been taken possession of by the British troops at the outset of the war, and upon it they had encamped and erected fortifications, which, on their retiring from Boston, continued to be held by the American troops. On the close of the war, Copley seems to have entrusted his interests in regard to this estate to an agent on the spot, who had sold it without due authority, and, it would seem, without accounting for the price. To recover this estate was the principal object which he had in view in sending his son to America, in which if he had succeeded, the project of leaving England and resuming his profession in Boston might have taken a definite shape. Mrs. Copley, however, by no means shared her husband's yearning towards their old home, preferring England, where the extremes of heat and cold were less severe, and where she had many comforts and conveniences which were not at this time to be found on the other side of the Atlantic.

If, however, the family entertained any hope of recovering the Beacon Hill estate, it was soon dispelled by young Copley's inquiries upon the spot. All that he could do was to obtain as large a sum as possible by way of compromise, and in consideration of the execution by his father and mother of such deeds as would give an unchallengeable title to those persons who in good faith had purchased and were in possession of the property. This was a result which caused the elder Copley many a pang; and in his letters to his son his mortification was apparent. "My father," young Copley writes in a letter to his

mother (July 3, 1796), "I fear, is disappointed. All I can now say is, that, if the property had been my own, my conduct would have been precisely the same, and that, after three or four months' reflection, I am convinced that I acted with propriety. If my father thinks otherwise I shall regret it, and all the amends I can make is to offer my whole life and exertion to his service." These were no idle words. The father did not live to claim the pledge; but, after his death, his son fully redeemed it by adopting and discharging his debts, and by proving to the mother and sisters who were then thrown upon his care all that the father could have wished.

On reaching America young Copley lost not an hour in ascertaining the true state of the case in regard to the paternal estate. He seems at first to have anticipated that it might be recovered, if his father could succeed in making himself out to be a subject of the United States. But how could this be hoped for, seeing that Copley had left America before the separation from England, and before the Declaration of Independence, and had ever since lived in London, as much a British subject as he had been when he left America in 1774? It is obvious that whatever hopes in this direction might have been entertained were early destroyed; and it is laying no undue stress on young Copley's sagacity to adopt his own view that in the compromise which he made he "acted with propriety."

Several of his letters home, while away on the American expedition, have been preserved. They show in unabated force the respectful devotion to his parents and the affection for his sisters which marked his letters from Cambridge. How strangely to our modern notions the formal address to his mother as

"dear Madam" sounds in connection with the tender thoughtfulness, the anxiety to relieve her motherly fears, which inspire all his letters to her! He left home about the end of October. Bad weather pursued him from the first, so that the voyage occupied eight weeks, even in those days and at this season an unusually long period.

1795.

Dear Madam,—The Downs being not far distant, and the sea somewhat more smooth than it has been for this some hours before, I write to inform you of our welfare. It is from deck that I write and at about 3 o'clock P.M. We have had what I call stiffish weather. I have not yet had the least symptoms of sickness, and I hope to weather that land entirely. Well! Pray for a northerly or easterly wind, and then adieu, old England! The *Jay* is just at hand, and I believe many other American vessels remain yet in the Downs, so we have lost no time. Once more, God bless you!

Ramsgate, Friday, One o'clock, 1795.

My dear Madam,—You will be more pleased than surprised at the date of this letter, if the wind in London blew last night with any proportion of the violence to which we were unfortunately witness in the Downs. Downs did I say? They bear more analogy to the thorny back of a porcupine, than to the softness of a *down* bed of state. When I last had the pleasure of writing, I informed you that we had been driven by the violence of the winds from our moorings. We soon, however, recovered a new situation where we lay during the whole of yesterday, not, however, a little harassed by the raging of the winds. About midnight we judged it prudent, from the increasing vehemence of the storm, to heave a second anchor. We had not long lain in this situation when the *Jay* which was something ahead, breaking from her moorings, drifted close alongside us, but fortunately without brushing us. She however, secured herself about half a mile astern. Just as we had recovered from our apprehensions, one of our cables snapped short off, and the vessel, left to the other anchor, drifted from her moorings. We were in much alarm

as it wanted several hours of morning. In drifting, our anchor caught the anchor of a large Danish ship, and we stopped. Owing, however, to this circumstance, we came so near alongside this vessel, that for above an hour we were very anxious lest we should strike each other. They were within five yards for above the space of half an hour, and the sea exceedingly heavy.

We, however, providentially, kept clear till we hauled ahead, where we lay till morning without sleep. As soon as light we contrived to get clear of the Danish anchor, and getting a pilot on board we reached this harbour.

Write to me at the King's Head, Ramsgate.

I am a great sailor already. I have learnt to despise the appearance of heavy seas, and only dread shoals and sands. Not a moment's sickness, nor the least apprehension of sickness, since I got on board. When we once get clear of this bad coast, we shall go cheerily.

I'll plague you with letters. We are buying cables and anchors, etc., and do not stir from here till fair wind. Lane, the captain, says the Downs are as bad as the North Sea. Many vessels have lost their anchors in this, I may call it, *equinoctial* gale.

Ramsgate, 1795.

My dear Madam,—You will think that we have left this place, not having received any letter from me this morning, which my former promise must otherwise have led you to expect. I do not know how it was, but somehow or other I omitted it till too late, when I began to reflect upon my violation of faith. You must excuse it. Well, we sail to-day, at high water, which will take place about 3 o'clock; and if the weather continues as favourable as at present, we shall soon quit the Channel.

After Mr. Pitt's declaration, are you not persuaded that peace cannot be far distant? I would term his whole speech singular, had we not been so long accustomed to extraordinary declarations from him and his associates, that nothing that now proceeds from him or them can excite wonder. But mark this prominent sentence. I cannot deliver it in his own words, but I think I can give the pith and marrow of it. Attend! The new Constitution of France

may seem accepted with such a general acquiescence on the part of the people, as to lead us to hope that every obstacle to negotiation as a preliminary to peace may be at length removed. Is not that absolutely giving up the point?[1]

Well, my dear mother, adieu, and remember me very kindly to my father, and my dear sisters. I remain your dutiful son and humble servant.

Young Copley arrived at Boston on the 2nd of January, 1796. He seems to have lost not an hour in engaging on his father's business, for on the day of his arrival he writes to inform him of the result of inquiries as to the state of the proceedings which were pending for the recovery of the Beacon Hill property. They could not, he writes, be brought to issue before May, adding, "If you can make yourself a subject of the United States you are clear. If otherwise, I am not yet sufficiently informed to say what may be the result, if you are decreed an alien." That his subsequent inquiries satisfied him that his father was by the American law an alien, may be inferred from the fact that within a few weeks he consented to a compromise of his claims. But business obviously did not prevent the young man from making his way in the best Boston society, to which the pride of the Bostonians in the elder Copley's renown as an artist was a ready passport. How he found things in the city of his birth is very pleasantly told in the following letter to his sisters:—

[1] Pitt's Government had for some time been meeting the impatience of the opponents to the war by maintaining that the French nation, exhausted by its drain upon their resources, and dispirited by some recent defeats, would probably be inclined to a treaty of peace. In December 1795 a message to Parliament from the King held out hopes of a successful negotiation with France for peace. In the debate which ensued upon the Address in answer to this message, the Opposition argued that no change had taken place in the aspect of affairs abroad, or in the position of the French Government, to warrant such an anticpaition. They proved to be right. Young Copley seems to have been of their opinion.

Boston, January 21, 1796.

' I was under the necessity of suddenly closing my letters, owing to the immediate departure of the vessel for London. I scarcely recollect the subject I was treating, but every subject that I can start relative to this country may afford interesting matter to you. Even were I to talk about myself I trust you would not deem it entirely stupid.

Well, then, I *will* talk about myself. I am now sitting opposite to a looking-glass, and the thought that immediately strikes me is that, if I preserve my present looks, you will find it difficult to recognise me, upon my return to George Street. Instead of a pale, thin, helpless-looking dog, suffer your mind's eye to contemplate a lusty, rosy, stupid-looking fellow, the son of some Yorkshire farmer, who had never stirred out of sight of his village during the whole course of his monotonous life. Such a being am I, and, in respect to good spirits, I am actually crazy; I never enjoyed three *more* pleasant, I never enjoyed three *so* pleasant, weeks since I was born. What, then, would it be, if my dear friends were present to partake it?

I always thought the influence of climate was powerful; my ideas are realised beyond my most sanguine expectations. The weather is so cold that you would expect your fingers to drop off, but, at the same time, so clear that you are astonished at its being cold. Never, never, my good girls, was there better sleighing than at this moment; never was there contrived a pleasanter mode of conveyance; never was a situation contrived better calculated to promote sociability. My uncle Clarke is expected shortly, I understand, at New York; I have written with the design of learning the truth of the report; if unfounded, I shall instantly set off for Montreal. The communication is the most easy imaginable. The season of the year is the best adapted for a rapid journey, and in six days after my departure from Boston I hope to be welcomed by my uncle in Montreal. There are in Boston market, daily, sleighs loaded with venison, which come from Lake George and the borders of Canada.

I think, in my last, I talked about the ladies; I said much I hope, in praise of them. You are not to expect among

twenty thousand inhabitants the same show of beauty as among fifteen hundred thousand. There certainly is no woman in Boston pre-eminently beautiful, but there are a great many very pretty, very lively, and in every respect very agreeable. I don't know what falling in love, as it is called, means, but I think one might be easily induced to be so far attached as to be at length *taken in* to marry. One must look sharp and have one's wits about one.

But I have said nothing about our passage. The first few days were rough and tempestuous, after which we had four weeks of summer weather. The rest was beyond measure unpleasant: gales of wind succeeding each other, each more dreadful than the preceding; our dead-lights shut in; the sea continually breaking over the vessel from stem to stern, rendering it perilous to appear upon deck; the water pouring through the skylight by hogsheadsful at a time. At one period we were obliged to lay the vessel *to*, as it is called, unable to carry sail, and drifting three days and three nights successively. We had got so far to the southward as to have determined to put into Charleston, had not the wind suddenly veered about. On one night, for about six hours, we passed our time very anxiously. It blew a hurricane; it is impossible to give an idea of it by words only. No man could keep the deck; the mainsail under which we were lying was shivered into ten thousand pieces, and we continued under bare poles till the storm abated, the sea, every few moments, breaking over the vessel, sweeping us fore and aft in a most awful manner. However, here we are, and have some reason to be thankful, three vessels having been lost upon the coast since our arrival.

But no more of this subject. I've said nothing about our young friend, Vixen [his dog]. I know you are interested for her: she was half-starved,—half-starved! three quarters, at least, —on board ship, but, like her master, she is now grown as fat as a porpoise. Shall I call her out of sleep before the fire, and tell her I am writing to you? I will. She has given me a kiss for you; I wish I could pay it to you.

But I trust we are again to meet, and then! Oh, what a happy day the first, the second, the third will be! I've dined alone; the wine is on the table, and from the bottom of my

heart I drink your healths and welfare. I did not forget you on Christmas-Day: it was stormy weather; we were in latitude sixty, and so I allowed four hours, drinking your health at half-past 2 o'clock, which would correspond to your half-past 6. Perhaps I hit the right moment.

But all this is about myself. I have engrossed enough, perhaps too much, of your time already upon such a barren study. If I write at this rate, what a load of postage you will have to pay! I must not be so loquacious. And yet I must and will, even if I deprive myself of dinner to defray the charge. I have been treated with great politeness at this place; I hope I mentioned it in my last, for I hate ingratitude.

Mr. R—— and his lady now inhabit their new house: a spacious brick dwelling, two rooms only on a floor in the main house; the kitchen forms a wing; on the other side they are building a new State House. The rooms are extremely lofty and spacious, and upon the whole it has a striking effect. You would be pleased with his lady; she is pretty and sensible and tolerably lively, but not remarkably so, though perhaps your grave English people would think her lively enough.

Mrs. C—— is a fine woman, and has a fine family, but the children are, in general, too like their father to be handsome.

Mrs. P—— is agreeable; her health is precarious, but her pretensions to beauty would be treated with ridicule. Her eyes are not in unison: one looks to the right, while the other is turned to the left. Mr. R—— looks older than he did. The lieutenant-governor has entertained me at two handsome, aldermanlike dinners; I never saw such a collection of food, except in Leadenhall Market, during my whole life.

Mr. R—— I have been introduced to. His wife is only about thirty years younger than himself, and has the honour of being my second cousin; her name was Watson. Mr. R—— is an excellent man, and she a fine woman. Send my compliments to Lady Taylor and family, and inquire concerning their health, and write me word of the result: that, by the way!

The A——s have all been polite; they are as infinite in number as the sands in Boston Bay, and as homely as old Spence.

The S——s, that is, the two youngest, are pretty, very pretty; but what do you think? Though her house is splendidly furnished, and her table handsomely set out, she has the character of starving her servants! It cannot be, I think, from parsimony; it must be from an aristocratic contempt for a lower race of beings.

Samuel Adams is superannuated, unpopular, and fast decaying in every respect; in addition to this, and perhaps on this account, he has taken no notice of me.

Shall I whisper a word in your ear? The *better* people are all aristocrats. My father is too rank a Jacobin to live among them. Well, what a deal of scandal I have been writing! I did not dare to begin till I had drunk six glasses of wine, and that inspired me with courage to proclaim the truth. Truth and wine go together, according to the old proverb. No more at present; two sheets are enough at once.

Remember me most affectionately to my mother, whom I sigh to embrace.

It is very plain from some words in this letter, that if the elder Copley was a "rank Jacobin," his son by no means shared his opinions, otherwise he would have said so. He had no difficulty in getting pleasantly on with the "aristocrats" of Boston. The bias of his mind was obviously towards their views, which might be liberal enough, yet very far from Jacobinical. Indeed the events of the last few years in France were calculated to confirm him in the antagonism to the extreme opinions of the sympathisers with the French Revolution, which he had been in the habit of maintaining in the discussions on political questions which in one of his letters he says he was in the habit of holding with his father.

On the 27th of February young Copley writes to

his father to tell him that, on full consideration, and with the concurrence of counsel, he has concluded a compromise of the Beacon Hill case. All he could secure out of the settlement was a sum of about £4000. He adds that he will remit this money, retaining about £500 in the meantime, as there were profitable investments to be had for it in America. He was going to travel about the country, and as something very profitable might turn up, he thought it would not be amiss to have it in his power to command a small sum of money. In the meantime this money would produce six per cent. The idea was obviously strongly present to his mind at this time, that the family would return to Boston and he himself settle down as a farmer in the United States.

"I have thought," he writes, "ever since I set foot in this country that it was possible you might think of returning hither. That you would find your profession more profitable than in England I have no doubt; the state of society and of government would be more congenial to your inclinations, and nothing but the difficulty of moving seems to stand in the opposite scale. If I had a tract of good land, perhaps 5000 acres, which may be purchased for no very considerable sum, I would in four or five years, if it should please God to bless me with health and strength, not only render it a very valuable and productive estate, but also a delightful retreat to you and my dear mother whenever you should choose to enjoy it. Land of this kind is to be had in a good climate, and within two hundred or two hundred and fifty miles from Boston and New York, a distance which will continually diminish as the facility of communication, owing to the rapid improvement of the country, increases."

Whether the elder Copley, having lost his property in Boston, lost with it the desire to return thither, and gave no encouragement to his son's views as expressed in this letter, is not known. Young Copley went on,

as will be seen from subsequent letters, making careful enquiries to see whether, as he says, the country would be "agreeable for a European to settle in." There is no express record of his ultimate conclusion; but that it was adverse must be presumed from what took place on his return to England. From that time the elder Copley settled down as an English citizen, casting for years, it is said, longing and wistful looks towards the lost acres which might have founded a princely fortune for his family; while the son was content to return to the life of struggle and toil, which he knew would await him at the bar, being as he was without professional influence, or the fortune to enable him to wait without anxiety for a success which might not come for years.

It was not till far on in April 1796 that he set out upon his tour in the United States. He reached Philadelphia on the 16th of that month, and the following letter to his mother is remarkable and important, as containing not only a disavowal of Jacobin principles, which he has been accused of entertaining at this period,[1] but a declaration that he had ranged himself with the aristocratic party upon conviction, confirmed by the experience of what he saw around him.

Philadelphia, April 20, 1796.

My dear Madam,—I have been four days in this city: cannot yet give you a very good account of it; but as I

[1] "The tremendous struggle produced by the French Revolution between the defenders of old institutions, however defective, and those who contended that all existing governments ought to be overturned, was now at its height; *and young Copley's mind being from infancy imbued with republican principles, he took what in American phrase he called the 'go ahead side' so warmly and openly, as to run some risk of serious animadversions.*" 'Life of Lord Lyndhurst,' by John, Lord Campbell, 1869, p. 10. The words in italics are pure fiction. All the Copley family—the head of the house only excepted—were royalists, and there is no evidence that even his father was favourable to a republic anywhere but in America. What young Copley was, his own language places beyond a doubt.

promised to write by every opportunity, I take pen to say that, with respect to me, all's well. I have become a fierce aristocrat. This is the country to cure your Jacobins. Send them over and they will return quite converted. The opposition here are a set of villains. Their object is to overset the government, and all good men are apprehensive lest they should on the present occasion be successful. They are now debating upon the treaty. The President and Senate, in whom are vested by the Constitution the power of making treaties, have ratified the treaty with Great Britain. But the Lower House seem inclined to refuse the appropriation necessary for carrying it into effect. They are now debating the question: and I fear a very considerable majority will be against the executive. The Middle and New England States are strongly in favour of the treaty. The Southern States, in particular Virginia—who will be called upon for the payment of their debts in case the treaty takes effect—are in violent opposition to the treaty. A great schism seems to be forming, and they already begin to talk of a separation of the States north of the Potomac from those on the southern side of the river.

The under-writers refuse to insure: produce has already fallen, and every person is alarmed.

A war with England, perhaps a civil war, will be the consequence of success in the present opposition. These are the sentiments of people here. They are not, however, my sentiments. Depend upon it, all will end well. I even entertain some doubt whether the executive will not have a majority in the House of Representatives. But if not, I do not apprehend such serious consequences as people in general look for. Your son.

Young Copley seems to have lingered on in Philadelphia, for the next of his letters which has been preserved is addressed to his sisters from that city more than six weeks after his arrival. The idea of settling in America had obviously by this time been abandoned, and he had begun to long for the home in George Street, although he had not abandoned the

plan of first making himself acquainted with the general features and capabilities of the North American Continent. It is interesting to observe, as a trait of character, how, in recommending a friend to the consideration of his family, he gives him the praise of possessing "a good understanding, and, what is better, a good heart,"—a conclusion arrived at, as a rule, only by those who, having a good heart themselves, have found it illustrated by a wide experience of life.

Philadelphia, June 1, 1796.

To say that I am impatient to revisit George Street, and to enjoy a society which I prize beyond all earthly things, is but feebly to express what at this moment I feel. My desire of again conversing with my friends, of beholding their smiles, of doing whatever is within my power to add to their happiness and to assist them in softening the ruggedness of this vexatious life, is much, very much increased by the long silence they have preserved at this very interesting period. It is, I believe, nearly three months since I have received any advices from England, and to what to attribute this chasm in our correspondence I am in entire uncertainty.

My dear girls, tell my mother, my dear mother, to reflect upon the pleasure which at this distance a single line affords, and then consider how trifling a trouble the penning this one single line would be, and I am sure I never afterwards should have the same reason to complain. But to another point: Mr. Henry, by profession a physician, a particular friend of mine, a gentleman of information, possessing a good understanding, and, what is better, a good heart, takes England in his way to the East Indies.

You must entertain him for my sake and for his own; I expect this from you; now pray be civil to him, and you, Polly, don't be silent, but ask about *me;* in short, you must keep up the reputation you have acquired in this country: who does not know the Misses Copley!

The next week I see the federal city and Virginia; it is too late to go very far to the southward. I am impatient to be at home, and will not delay farther than necessary.

Pray remember me to every inquiring friend, and believe me your very affectionate brother.

I write by the *Asia*, which will leave this the next week; in the mean time I expect to learn that my father and mother are well, and that you all are well. . . .

June 7.

Been confined for a week by rain; in love with a daughter of Bishop White! etc.; you know my kind of love! Well, adieu.

"You know my kind of love!" The sisters had no doubt seen him in and out of love, scores of times, —love of the kind which Praed describes so well:

> "Our loves were like most other loves,
> A little glow, a little shiver,
> A rosebud, and a pair of gloves,
> And 'Fly not Yet' upon the river."

But the case of Miss White took the serious form of a proposal of marriage, to which her father, the Pennsylvanian Bishop, very properly refused his assent, not wishing his daughter to go to England, or to engage herself to a man who had still his position to make. Happily the hearts of the lovers were not seriously damaged; and seven years afterwards the lady, who was four years Copley's junior, was married to General William MacPherson of Philadelphia, and survived till 1831. This incident accounts for Copley lingering so long in Philadelphia. It gave him something to dream over in the journey through the wilder parts of America, on which he now set out. From the following letters, written from the various places which he visited, it appears that he embodied his travelling impressions in full notes. Unfortunately these have not been preserved. We are thus left to gather the results of his observations from the Latin letters, which he addressed, in fulfilment of his obli-

gation as travelling bachelor, to the Vice Chancellor of the University, in which the same freshness and variety are not to be expected as in familiar letters to his family.

The following is addressed to his sisters:—

Leesburg, Virginia, near the Potomac, July 3, 1796.

I have written several letters to you since I quitted Philadelphia; my intention was to give you some account of the country. All the letters, however, are in my portfolio; I shall take an opportunity to send them. In the mean time, I send you a letter which you will forward to Mr. Jones;[1] it begins where the letters to you terminated. I mean to continue my correspondence with him, but as I shall send them first to you, my letters will answer a double purpose.

I had rather, my dear girls, write to you, and from time to time I will, but I cannot avoid complying with Mr. Jones's request. It is a long, long time since I have heard from you. I am viewing the country to see whether it will be agreeable for a European to settle in. I choose the best part, which will be conclusive upon the subject.

You will be able yourself, I hope, to form some judgment from what I write to Mr. Jones.

I forget I am addressing more than one. I should have said *yourselves;* but I write in a most terrible hurry, my horse is waiting, and I have resolved to finish this little scrawl before I mount. It is a bad country to travel in a carriage; good enough for a horse. You have rode, yourself, I believe, from Newport to Dunkirk, but still you can form no idea of some of the American roads. Well, Betsy and Mary, I cannot leave off when I once begin to write to you. I have whole volumes in my brain, but my pen would wear out before I could write you all the circumstances which crowd themselves into one little day.

Expect me in Europe very soon. This, I believe, must be my last excursion. I want to embrace my friends, my dear father and mother, concerning whom I know but little at present. I would turn upon the Copley estate, only it would

[1] This was, no doubt, his Cambridge tutor.

carry me to too great length; the thing is done; my father, I fear, is disappointed. All I can say now is, that if it had been my own, my conduct would have been precisely the same; and that, after three or four months' reflection, I am convinced that I acted with propriety. If my father thinks otherwise, I shall regret it, and all the amends I can make is to offer my whole life and exertion to his service. I cross the Potomac to-night for Fredericktown, Maryland. I understand it is a charming country. Adieu.

My dear Mother,—I need not tell you that the moment of my meeting you will be the happiest of my life; may it come soon, and, in the mean time, may every happiness, every comfort, be yours!

In the letter to his mother now to be quoted, Copley appears to have enclosed one of his letters to Mr. Jones, in which she would no doubt find his movements, as to which she would be naturally anxious, recorded in fuller detail.

Fort Cumberland, July 20, 1796.

Will you do me the favour to consider the enclosed as addressed to you; it will give you the same information with respect to myself as if it began with "My kind mother!"

To have come to America and returned to Europe without full information respecting the country, would have been a disgrace to any man who affected the least degree of philosophy; besides, I wish to compare the two countries in regard to several points which nothing but actual observation will enable me to do with any tolerable accuracy. I am observing the farmers' life in the most fruitful parts of the country, and considering what inducements it holds out to a European. I write to you from Fort Cumberland, at the head of the Potomac; the letter to Mr. Jones is part of a series I mean to write from my notes; but I find my letters to him will by no means keep pace with my travelling. My dear mother! no distance can diminish my duty and my affection for the best of parents, and for each member, my kind father and sweet sisters, of our small family!

I write now between the mountains, having passed the Blue Ridge and the North Ridge, and being in full view of the Alleghany, which towers to the heavens. I have a world of information to communicate, but all in due time. How little I thought a year ago of visiting the backwoods of Maryland and Virginia!

My dear mother, good-bye, and don't criticise too severely this little scrawl; believe me, it comes from the heart, when I say I pant to revisit you!

There is a gap in the family correspondence during the next four months. These were spent by young Copley in exploring the country along the route described in the following letter to his mother.

Albany, New York State, November 22, 1796.

I have just arrived at Albany, and a sloop is about to hoist sail for New York. The post may arrive first. I dispatch, therefore, this letter to inform you that I am still in the land of the living. I fear I shall hardly have time to add more.

It is five months since I have been blessed with a perusal of letters from my friends in England,—friends whom absence has rendered dearer to me than ever. It is four since I have been able to apprise them of my welfare. If you will procure a map of the United States, you may trace my route by the following concise description. The motives of it you will read in my next:—

Mount Vernon to the upper falls of the Potomac; thence to Fredericktown, in Maryland; thence to the mouth of the Shenandoah; thence to Winchester, in the vale of the Shenandoah; thence to Bath, upon the Potomac; thence to the mouth of the South Branch of the Potomac; thence along the South Branch, fifty miles, to Fort Cumberland; thence across the Alleghany Mountains to Morgantown, in Virginia; thence along the Monongahela to Pittsburg; down the Ohio to the Falls; through the whole of Kentucky; across the Ohio to Cincinnati; up the Miami, down the Auglaize and Tawa rivers, through Indian settlements, to Detroit; across

Lake Erie to Niagara (saw the Falls and spent four days with Judge Powell); thence through a wilderness to the Genesee River; afterwards, partly among Indians and partly among whites, to the Mohawk River, and thence to this city.

I have abundance of information to communicate,—information interesting both to Americans and Europeans, for this country is but little known yet to the bulk of the Americans. My notes, though concise, fill several quires. I have time to add that the public mind is much agitated here from an apprehension of a war with France. My judgment, such as it is, would persuade me to believe that such an event is not probable. I cannot add particulars.

The election for President interests very strongly both parties. They are nearly equal, the *Aristocrats* and the *Democrats,* in number. The result is, therefore, uncertain. The returns that are made persuade me that the republican, Jefferson, will succeed. The bets are in his favour. Otis is elected member to Congress. Your affectionate son.

A few days afterwards Copley again writes to his mother. From the tenor of this letter it seems clear that the idea of settling in America was now definitively abandoned.

Philadelphia, December 2, 1796.

A few days ago I wrote you news concerning your son from Albany. Whether that letter or this will come first to hand is entirely uncertain; but to avoid repetition, I must consider you as receiving them according to the order in which they are written. In a letter from Leesburg, I intimated an intention of returning immediately to England. I was afterwards persuaded to alter my plan. The motives shall be unfolded if you have patience to listen to them.

You will recollect the different conversations we had in George Street in regard to the expediency of returning to America. As far as it regarded the interests of my parents and sisters, it did not appear very necessary to extend my inquiries or observations to any considerable distance from the principal cities of the United States; but when I was desirous of ascertaining the advantages which America might

hold out to myself, a more enlarged view became expedient. Neither in the pursuits of commerce, nor in those of a professional nature, did the cities of New York, Philadelphia, or Boston, appear to offer sufficient inducements to persuade me, considered independently of my friends, to a change of situation. I was told that a settlement in the western parts of the United States could not fail of leading a young man of prudence and of education to wealth and honour. As the result of affairs in Europe was uncertain, I thought that to omit investigating the material points relative to such an establishment, when so near the country, would be highly indiscreet; and that the sacrifice of time would be more than compensated by an accession of very interesting information. Curiosity also to become acquainted with a country which is, at present, so much a subject of conversation, and which is extolled as the garden of the world, were additional and powerful inducements. Why I did not inform you of the alteration in my plan you are now to learn. I thought that you would form wrong ideas of the fatigues and the dangers attending the tour I was about to undertake, and when I afterwards wrote from Fort Cumberland, I was persuaded that you would see the impossibility of my complying very literally with the intentions which I had manifested in my letter from Leesburg. You will excuse me when I say that I supposed Europeans in general had such inadequate notions in respect to the facility of communication between the different parts of the United States, that I expected to have completed our intended tour almost as soon as you could suppose me returned from Fort Cumberland to Philadelphia. Our desire of obtaining very precise information detained us much beyond our original calculation, and we were out of the line of posts before I thought it necessary to write to Mrs. Startin.

Do not regard what I have been writing as an apology invented at the fireside for the purpose of making my peace with you. It is, believe me, a simple detail of facts, and I wish you could witness my feelings and my distress when I learnt that Mrs. Startin had written you word that she supposed me embarked for England. Heaven grant that this letter may anticipate hers, and may neither you nor the rest

of my friends suffer uneasiness on my account! I will write a line by another vessel which sails with this, informing you of my welfare, and hope that one or the other may reach London as soon as that from New York. When at Albany, I expected to have met letters from you or my father at New York. You will conceive the disappointment I experienced, upon my arrival in that city, at finding not a single line from any of my friends. I immediately pushed forward in the mail to Philadelphia, expecting that Mr. Rogers might have sent some advices to my address in this city. I was a second time disappointed. I have now written to Mr. Rogers to request that he will favour me with every information he possesses in regard to you, and to forward any letters he may have received for me.

This is the last of young Copley's letters to his family from America. But in accordance with the rule of the University, that travelling bachelors should write an account of their travels to the Vice-Chancellor, he addressed three letters from the States to Dr. Richard Bellward. They are without date, but as Dr. Bellward was only Vice-Chancellor from November 1796 to 1797, they must have been written in the end of 1796, when the writer was on the point of returning to England. The letters are preserved, according to custom, in the University Library, and copies of them were published in 1867 by Mr. William Heath Bennett, in a volume of "Select Biographical Sketches from the Notebooks of a Law Reporter," together with a translation which is the basis of that given below, but which it has been frequently necessary to correct. Copley's Latin is scholarly and good, and contains abundant evidence of his familiarity with the great classical writers.[1]

[1] The class mark for those letters in the University library is "MS. Oo. 6. 95 § 12." Lord Campbell, in his 'Life of Lord Lyndhurst,' p. 13, says that, on his application, search was made by the University authorities, "but they could

In his travels through the States Copley had for some time as companion Constantine François Volney, author of the once celebrated work, "Les Ruines, ou Méditations sur les Ruines des Empires." Volney had gone to the United States in 1795, and there he contrived to get into a quarrel with the Government, by whom he was suspected—without reason—of having crossed the Atlantic to arrange for the handing over of Louisiana to the Directory. He proved to be anything but a satisfactory travelling companion. The roads and the inns were bad, the journeys had mostly to be made on horseback, and they involved fatigue and sometimes even peril. Volney was nearly forty years old, and far from strong. He could not get on without his chocolate and the other comforts essential to the enjoyment of a town-bred epicure, and, as Baillie Jarvie in Rob Roy's country was perpetually hankering after "the comforts of the Saut Market," so the moans of the revolutionary philosopher were incessant over the fatigues of the road and the absence of the luxuries of Parisian life. This was manifestly not the sort of person to share an expedition with a man of vigorous frame and a bright adventurous spirit. Neither were the intellectual qualities of the man sufficient as a set-off against his fretfulness and irritability. His political views were tainted with the ignorance of practical life which infects the school of which he was for some time an authority. Young Copley had moreover seen and thought too much for himself to be greatly amused or influenced by them. Indeed, while in his later years he never spoke of them as of the least

---

no where be found." Mr. Bennett obtained them without difficulty, and they were published by him, not, certainly, before Lord Campbell's death, which took place on the 12th of June, 1861, but two years before Lord Campbell's 'Life of Lord Lyndhurst' was given to the world.

importance, he frequently entertained his friends with stories of the philosopher's ludicrous impatience of hardship and discomfort—an impatience little calculated to inspire him with respect for Volney's opinions as to the great forces by which society is moved and moulded. It has been repeatedly said that young Copley also travelled for some time with Louis Philippe. But this was not so. He never met Louis Philippe till 1846, when he was invited to dine with him at the Tuileries.

The letters to Dr. Bellward bear internal marks of having all been written within a few weeks of each other. Their contents doubtless excited no small attention from the information they gave about a country of which so little was then known at home, and with which England had at that time so many ties in common. Even now they can be read with interest, independently of the fact that they were a remarkable scholastic exercise, and give indications of the close observation and condensed expression for which the writer became afterwards pre-eminent.

To the Rev. Richard Bellward, D.D.

Most Worthy Vice-Chancellor of the University of Cambridge,—Whilst travelling in this country, it has often occurred to me how much good the journey would do me were I able to write to you anything worthy of your perusal. To the best of my ability I will endeavour to communicate in my letters a few salient particulars from which you may be enabled to form some idea of the position of affairs in this Republic; and from what place can I more appropriately begin than from that city which the Americans have destined to be the chief seat of their government?

The federal city, Washington, is situated on an angle formed by the branches of the river Potomac, one on the eastern side,

the other on the western, which here form a junction. On the eastern side the course of the river is short; the western branch, which rises in the Alleghany Mountains, after running about 360 miles, empties itself into the Chesapeake.

When it reaches the federal city, the river takes a sudden bend to the southward, so that as you look at it from the opposite side you can almost fancy that it flows out of the city itself. At this point the river is about a mile in breadth; and in the distance the town of Alexandria may be seen. Under the walls of Washington is situated Georgetown. On the banks of the Potomac, on either side, are open fields, all fertile. It is the case, however, that there are considerable obstructions in most of the rivers in America. From these the Potomac is by no means free, but a company constituted for the purpose is doing its best to remove them.

At about three miles from the federal city occur the first falls upon the river, which in these three miles falls about thirty-six feet. Here a canal with three branches, which was completed about a year ago, assists the navigation. A few miles higher up the stream shoals occur and rapids, by which, within the space of one mile, the river makes a drop of seventy-six feet; but, "Labor omnia vincit," and in the course of one year the whole of the river has been rendered navigable for the transit of flat-bottomed boats, which carry from one to two hundred measures each, being equivalent to 1¾ cwt. Starting from about fifty miles beyond Fort Cumberland, they are drifted down to Washington by the descending current, a distance of 230 miles. The charge for the carriage of a measure is a little over one dollar. The site selected for the city of Washington is undulating ground of a pleasing character. Almost in the centre stands the Capitol, from whence you have an extensive view over the river, and away across the plains of Virginia. This building will be about 390 feet in length, with columns of the Corinthian order. As yet the foundations only are laid, and portions of the building itself are alone visible. About a mile off is the residence reserved for the use of the President. This building is composed of square blocks of stone (dug out of the quarries of Aquia, as are the stones of the Capitol) so placed as to produce an appearance of considerable magnificence. Adjacent

to this are very pleasant gardens of about 100 acres in extent, which are intended for the enjoyment of the citizens. A regard to elegance as well as utility is everywhere observable throughout the city. The streets are ninety and often a hundred feet wide. There is also a regulation that the houses of the citizens shall be thirty-five or forty-five feet high.

"*Hi* sunt certi denique fines,
Quos ultra citraque nequit consistere *tectum*."

Rows of trees are planted along the streets, which will some day protect the inhabitants from the heat of the sun.

"Hæc tum nomina erunt, nunc sunt sine nomine terræ."

The fact of American institutions being still in their infancy warns the people to be frugal. Enough money was obtained from the sale of land upon which Washington is to be built for the erection of the Capitol and other public buildings; but those who had the control of this sum having become infected of the "Sacra fames" of speculation, the fund is now so much diminished, that the completion of the public works is impeded for want of money. It may not be immaterial here to mention that some building land, about 550,000 feet square, produced only a little over $1000.

Having obtained a Fährenheit thermometer, and placed it in the shade for several days, observing it daily, I found that the average greatest heat for three days at Georgetown was 82°. I intend to test the character of the soil at various points by the species and size of the trees. If by any other means I see my way to gaining this information, I shall have recourse to them.

Georgetown has grown with the growth of the Republic; the greater part of the houses appears to have been built within these few years; they are almost all built of bricks, and are scattered about the hill-sides.

The Republic has taken into its grave consideration the education of its youth,—a college having been instituted with that object for several years at Georgetown, and now it has been found necessary to erect additional buildings, the dormitory in which is 155 feet long by forty feet in breadth. You may judge from this the number of pupils expected.

Alexandria lies upon a flat on the banks of the Potomac. There is a wonderful scarcity of trees about the city on all sides, and far and wide the plain is covered with short grass. The streets, which are of a very convenient width, intersect each other at right angles. The houses are for the most part built of bricks; the city itself is clean and flourishing; it numbers from four to five thousand inhabitants. I was most courteously entertained by them. The Alexandrians export tobacco and flour (brought into the town on waggons) in return for manufactured goods. They send many articles to Baltimore and Philadelphia, and some to the Gulf of Mexico. The Americans celebrated their "Declaration of Independence" on the 4th of July, which is everywhere celebrated by sports and rejoicings. The civic soldiery are now out for the turn of annual duty. On this occasion the Alexandrians invited Washington himself, who resides ten miles off, to dinner. I was present at the banquet, and saw the President of the Republic; he entered heartily into the happiness of the citizens, and added to it by his kindly and cheerful looks and smiles. And now, reverend sir, I conclude, awaiting the time when I shall have something more to communicate. I could wish this letter were better worth your consideration, and that of the University. Your indulgence and pardon, however, will, I doubt not, be extended to its defects. I am, with all respect, yours.

To the Rev. Richard Bellward, D.D.

Most Worthy Vice-Chancellor of the University of Cambridge,—Although I have little hope that my observations may be approved of by you and the University, yet the shame of appearing idle prompts me once more to offer to your consideration a few notes that I have made. If they have no other merit, they at least have that of being true; and since truth is at all times useful, my letters may possibly, on this account, afford you some satisfaction.

I have already written about Alexandria, which, however, has nothing in particular to distinguish it from other American maritime towns. Trade and political topics which have any bearing on commerce are of the first concern here. Neither literature nor philosophy are the themes of

conversation, and nowhere here would you find a *learned man* in the European sense of the word. Those who apply themselves to mercantile pursuits are generally the richest and most esteemed throughout America.

The luxury of these persons, however, and their houses and domestic conveniences,—in short (if you except slavery), whatever is adapted to make life enjoyable, approach very nearly the English standard.

We went to Mount Vernon for the purpose of paying our respects to the President of the Republic. Between that place and Alexandria are open fields, by no means remarkable for beauty. The soil is barren, the roads rough and steep. Even the President's own gardens bear no marks either of culture or beauty.

The house, built of stone, much worn by time, situated on high ground, is large, and commands a fine view of the mighty Potomac, stretched out at no great distance, and of the ships sailing to and fro between Alexandria and the ocean.

We found the President courteous, hospitable, and of a pleasant humour (*facetum*). He talked freely upon many subjects: his house, his gardens, and the country round about. There is no trace of luxury about the house. It is by his homely worth that Washington is conspicuous. In the President's house were some chiefs of the native tribe of Catawbas. These men were under-sized, their limbs small, and there was a kind of timorousness in their looks; natural, perhaps, as where there is a feeling of danger fear will show itself. It has been observed that the Catawba tribe is dying out. Turning their attention to agriculture, they have lost the courage and the arts of savages without acquiring those of civilised life. It is not, therefore, to be wondered at that filth and laziness prevail amongst them.

In former times, the Catawbas were noted for their ferocity. Between the Catawbas and the natives of Delaware there was an ancient feud. They often went immense distances to attack each other, considering it an honourable and praiseworthy act, if they could kill a few of their enemies. The speeches of these barbarians have in them a certain grandeur. Some one inquiring of a Catawba why they undertook so many and such long journeys, "The earth is too small for me

to walk freely in!" replied the barbarian, rising on his feet, and stretching his arms abroad into the air. Journeys which the civilised man would consider endless, the native, who is accustomed to travel, and whom no track, however stony or rocky, can turn aside, looks upon as trifling.

In my former letter, I referred to the Lesser Falls of the Potomac, which are distant about three miles from Georgetown. The lofty banks, fringed with woods and rocks, effectually hem in the current of the often swollen and raging waters. Where the falls are the river is about 130 feet broad, and the overhanging rocks will easily sustain the arching of a bridge of a single span, which is about to be carried over it by the Potomac Canal Company. This canal, which commences in Maryland, will be about two miles long, four feet deep, and twelve feet wide. The boats employed in navigating the Potomac are about fifty feet long and six broad. These boats glide quickly down the stream, but against it they are moved only with the help of poles, at the rate of two miles per hour. Each boat requires seven men to manage it. They run from Fort Cumberland to the Greater Fall, which is about twenty miles above Georgetown, in three days. The return voyage takes at least twelve. Each boat carries 100, and sometimes 200, casks.

To Washington is to be attributed the improved navigation of the Potomac. Having secured peace, he betook himself to Mount Vernon, and there planned and superintended the establishment of the Potomac Canal Company. Their works (like those of all new companies) made slow progress. But the project is sure to prove so beneficial that, as years pass on, the Americans will be easily stimulated to undertake similar works.

I must now conclude. If I have sometimes made mention of matters of minor importance, my excuse must be, that it is trifles which often indicate most sharply the character of a place. As I before expressed a hope, so do I now, that your indulgence will be a shield and excuse for my deficiencies. In this hope I shall seek a solace to cheer me in my exile from England, an exile from the spot where formerly I delighted

"Inter sylvas Academi quærere verum."

I am yours, with all respect.

To the Reverend and very learned Richard Bellward, D.D.

Reverend Sir,—To those particulars which I have formerly written concerning America I now add a few others. This seems to be a duty prescribed to me by gratitude as well as by the office which I hold; for I am not so presumptuous as to hope that I can add anything with which you may not be already acquainted, or that I shall be able, with all my care (however much I may wish it), to offer anything worthy to engage your leisure in its perusal. Nevertheless, what I have seen and taken part in I hasten to communicate, in the simplest terms.

Having quitted Virginia, already sufficiently explored by travellers, and having crossed the Ohio, we came amongst the native tribes of that part of the country. By the peace lately made with these Indians (for so these people are called), all danger is removed, and we wandered leisurely through the scattered villages between Kentucky and Upper Canada. All this region, both in its climate and country, is delightful. It has no high mountains, but is ornamented with a variety of forest trees of great age. It is, however, damp, and in some parts, where the land is still uncultivated, there are stagnant marshes. The rivers flow gently along, now through woodland, now across vast plains. Formerly, it appears, wild animals abounded, the woods were filled with birds, and great herds of oxen and deer wandered through these prairies. This is not so at present. The wild animals have disappeared before the husbandman, who is already advancing upon this region on three sides. Serious evils to the natives have been introduced by this approximation. Drunkenness, hunger, and various kinds of diseases are rife amongst them. Their means of sustenance are daily decreasing, and unless they migrate across the Mississippi they cannot escape destruction. But what sensible man can regret this? Where now a very few and squalid savages wander, innumerable colonists will shortly live and flourish, and in the next generation cities, letters, and the useful arts will be introduced. I incline to the opinion of those who think that the native Americans

came originally from Asia. Towards the north the two continents approximate, and either join or are only separated by a short space, and the restless disposition of man is busily impelled to seek new abodes. The natives are also of the same colour as those of Sarmatia, dark eyes and dark hair being peculiar to each. These Indians also have many and totally different dialects. Hence, many infer that this is not the result of accident, nor that the tribes arrived by one and the same immigration, but that they entered America by some way well known and very frequently used.

The villages are generally situated on the banks of the rivers, or even upon the islands formed by them, on account of the fishing or the fruitfulness of the soil, and boats furnish a convenient means of travel to those who go to a distance upon hunting excursions in the autumn. The inhabitants use rough logs of wood or bark for building their huts, covering them on the outside with skins. They have their fireplaces in the centre of the building, the smoke passing out through a hole in the roof. They sleep upon the skins of oxen or bears, and, except when threatened by enemies, suspend their fruits from the beams, or hide them near the roof. Should they anticipate an irruption of their foes, they open subterraneous passages, lined with bark, and covered with clay, as a receptacle for their fruits. Formerly they clothed themselves with skins; now they are habited in woollen garments, which they purchase by way of barter from our people. They all wear a tunic and a kind of boot; they have also a cloak, which they bind about the loins with a thong; this covers the shoulders, and in very cold weather the head. The dress of the women is similar to that of the men, except that they have under-garments, reaching down to the middle of the leg. Both sexes wear bracelets on their arms, and ornaments in their ears and noses. They fit collars to their necks, and daub their faces with colour. Moreover, the men having cut the hair from each side of the head, draw back that which is left in the middle, and tie it in a knot on the top.[1] They extract the hairs one by one from the body and chin, and delight greatly in small mirrors, which they carry with them even while hunting.

[1] "Ac sæpe in ipso solo vertice religant."—*Taciti Germania*, cap. 38.

They always pass the winter in the chase; the rest of the year, when not engaged in war, they while away in sleeping and eating. The men lounge about doing nothing, leaving the care of the houses and fields to the women. Those who live near our people buy horses and cows; they rear poultry, and, imitating our example, lay out orchards. In other respects they do not differ from the other tribes. They smoke-dry their meat. The earth, broken by the women with hoes, produces for them corn and pulse. They weave mats, and show amazing skill in the making and ornamenting of their shoes and vestments. They take their food greedily, sitting in the porch of their dwelling, and freely give to their neighbours and the passers-by. So long as they have anything to drink, like all barbarians, they exercise no moderation. Hence, quarrels and wounds are common at their drinking bouts. But at these feasts there is always some one, either a male or female, who sedulously refrains from drinking, in order to look after the others and prevent mischief. They consider it discreditable to avenge on a sober man an injury committed by him when in liquor. The youth play with spears, and in such earnest that wounds are sometimes inflicted, which, however, occasion neither anger nor hatred. They are eager and reckless gamblers. It is wonderful with what howlings and gestures of the body the bystanders invoke their gods, according as they favour one player or the other, for the players themselves accept good or ill fortune with perfect equanimity.

Every tribe is divided into villages and districts, and the sovereign power remains in one family by succession. The authority, however, which depends rather upon persuasion than command, has regard mainly to external matters.

Their chiefs are chosen for their valour, and it frequently happens, as indeed is natural, that the king is elected as chief. A council also of old men and warriors is held whenever matters that concern the whole tribe are discussed. At these assemblies the greatest order prevails, and profound silence. There is much sound sense and shrewdness in their speeches; their language is sometimes common enough, at others sublime. If the opinion expressed be approved of, they applaud it as good and just; and as an indication of their assent they utter a sound something like Oäh. They preserve

the decrees of the council and records of other events by inscribing them on split shells fastened together with flax. These are called "wampum," and are kept carefully by the women, as public records.

Coercion by force or by law is unknown. If war be decreed, each man is at liberty to arm or refuse. Murders, unless compensated by money, are avenged by the nearest relatives of the deceased. Sorcery is held in the greatest abhorrence, and those suspected of this crime are immediately hurried away, and put to a most cruel death. The relatives of a thief punish him, as having brought disgrace upon the family. But these crimes are rare, and, as Tacitus says of the Germans, good principles have greater force here than good laws elsewhere.

The matrimonial institutions of these tribes are very various. A man may take to himself one or more wives, according to the custom of his tribe. Presents are made both to the parents and the bride; amongst these a kettle, an axe, and a belt fit for carrying weights, to remind her of her future labours. Although divorce is allowable by mutual consent, yet it is very rare amongst them. . . .

They believe there is one God, of infinite power and goodness; but they also believe in another, who is the cause of all evil. To him they offer up prayers, to avert his anger; of the former they have no fear, for they believe it to be his nature, of his own free will, to bestow good upon mortals. Moreover, each has his own particular deity. To these they ascribe various forms, and make rude and ridiculous images of them, which they call *Manitous*, and always carry about with them as a protection from evil. They sometimes abstain from food and drink for many days, as a religious observance, and at these periods they watch their dreams with the greatest solicitude. They believe in a life after death, but very similar to the present. They picture it as placed in a new and secret region, genial and fertile, replete with every kind of wild animal. A dead man, therefore, has his weapons buried with him, and other things which he used when living (for they think that all things have both life and spirit), that he may use them in his new country. There they believe (and this is no slight inducement to valour) that honours and other rewards

are bestowed, according to the skill in war and hunting which the deceased has shown in this life. They also believe that desires and joys are the same as here. The same individual amongst these Indians is both priest and physician; for though they treat wounds and diseases with much success they think that there is no power in medicine without the aid of incantations and other rites. They also predict future events, indifferent to occasional failure. There is no moderation in their quarrels; no length of time or distance lessens their hatred and thirst for revenge.

The five most famous tribes, which are located near the Lake Ontario, used to make war beyond the Mississippi, and to travel annually this immense distance for the purpose. Often a solitary individual, leaving his companions, will traverse vast forests in order to take his enemy unawares; he will climb mountains, swim across rivers, and undergo every fatigue, so long as there is a chance of slaking his thirst for blood. Before the coming of our people they fought at a distance with bows and arrows, and hand to hand with hatchets made of stone, and these they never threw in vain after a retreating enemy; now, however, by means of barter, they buy fire-arms, and, like us, make use of them both in war and in the chase. Their custom is never to fight in the open country, or against a disciplined army. They think there is no glory in receiving a wound; they consider it more an act of madness than of courage to run the risk of being wounded. A chief's greatest glory, in their estimation, is to plan an ambush craftily, to strike his enemy when sleeping, to devastate fields and villages by fire, to carry off a swarm of captives, and to lead his own men home safe and sound. Their custom is to scalp the slain, and when the victors return to their village, they raise as many shouts as there are scalps, and manifest other indications of savage delight.

If they perceive no chance of victory, they think it prudent to retreat and flee. In their retreat they display the greatest art and cunning,—for Indians, whether taught by nature or experience, are wonderfully acute in following the trail of fugitives. If a son has lost a parent, or a parent a son, or a wife a husband, each forthwith chooses from amongst the captives an individual to replace the deceased. On this, the

person so chosen changes his country and household gods, as if partaking of a new nature, and, forgetting his recent hatred, embraces his new friends with the greatest affection. The rest of the captives perish by a cruel death. These wretches are tortured in every way which the ingenuity of barbarians can contrive: they are flayed alive, their eyes are gouged out, their limbs and their extremities consumed by a slow fire. The captive himself bears these things with the greatest fortitude. Showing no sign of pain, he chants his own brave deeds, and heaps contumely on the bystanders as cowards and unwarlike; dying at last the death he longs for by the hand of some one whom he has stung to fury by his reproaches.

These particulars, reverend sir, concerning the manners and customs of the Indians, I have selected from many as most worthy of remark, and I now transmit them to you. I am with all respect, yours.

CHAPTER III.

Copley returns from America—Takes M.A. Degree—Studies under Mr. Tidd —Becomes a Special Pleader—Marriage of Miss Copley to Mr. Greene of Boston, U.S.—Copley's Correspondence with Mr. and Mrs. Greene

YOUNG Copley made many warm friends in America, and he always looked back to the country of his birth with affectionate interest. He had seen enough of the United States during his brief stay to feel confident that a great future lay before them, and he sympathised strongly with the efforts of the men who were at the head of affairs there to lay the foundations of an independent state not unworthy of its ancestral origin. A few months after his return to England (July 20, 1797) we find him writing to his aunt, Mrs. Startin, of New York: "The moderate but spirited and energetic conduct of the American Government has exalted the character of the nation in the opinion of the haughty inhabitants of Europe, who were accustomed to regard with too supercilious an eye a people just risen from the subordinate rank of colonists." In the same letter we get a pleasant glimpse of the home at George Street, to which his presence had brought back the charm, which its inmates had sorely missed, of his bright active intelligence, fine animal spirits and warmly affectionate disposition. "There is nothing new," he writes, "in our domestic circle; the even, noiseless tenor of our way is marked by few striking incidents. We are as happy as health, spirits, and philosophy—

three important ingredients in the composition of human happiness—can make us."

On coming back from America young Copley returned for a short period to Cambridge, where he took the M.A. degree on the 5th of July, 1797. His allowance of £100 a year as travelling bachelor ceased as a matter of course upon his return to England; but a somewhat larger yearly allowance was attached to his fellowship. This he enjoyed down to the year 1804, and it was by no means unimportant in enabling him to tide over the intervening period. For his first experiences of the legal profession, to the preparation for which he settled down in earnest after taking his M.A. degree, were by no means encouraging. After going through the usual preliminary studies, he attended the chambers of Mr. Tidd, the celebrated special pleader, and, to use the words of his own memorandum already cited, was "initiated by him in that logical science. After about a year," he continues, "I became a candidate for practice in that branch of the law.[1] My clients," he adds, "were not very numerous." But during these years of weary waiting, of which most eminent lawyers have had experience, Copley was a most industrious student, and equipped himself for taking advantage of the hour, whenever it might come, when he could show the stuff of which he was made. "There is nothing," said Lord Eldon, "that does a young lawyer so much good as to be half starved. It has a fine effect." Though not exposed to the full force of this improving discipline, young Copley felt some of it. The parental purse was not overstocked,

[1] "Special pleaders," says Lord Campbell, writing to his brother, 17 May, 1804, "in general are not at the Bar. One or two who remain pleaders permanently are considered as something between attorneys and barristers, but the common way is for a young man to plead a few years *under the Bar*, as they call it, before being called. It is easier to get this kind of business than briefs in the Court, and you thus gradually form and extend your connections."—'Life,' vol. i. p. 148.

and the scanty income from his Fellowship was good for only a very few years. "My son," Mrs. Copley writes (June 29, 1802) to her daughter Mrs. Greene, "is as busy as his father, and is qualifying himself for a more conspicuous scene of action. He is very persevering in his studies, and I hope he will reap the reward by-and-by." Again (August 31, 1802) she writes to Mrs. Greene, "Your father is almost always in his painting room, and Mr. J. S. C., Junior, in Essex Court, if not engrossed with briefs or disturbed with love, it may be with filling his head with law, which may enable him to combat the former and which may give him hope of success in the latter."

In the year 1800 Copley's elder and favourite sister Elizabeth married Mr. Gardiner Greene, a merchant of Boston, U.S. The marriage was in every way a happy one; but the family correspondence shows that her disappearance from the home circle was very deeply felt. Her brother accompanied Mrs. Greene as far as the Downs in the ship that was to take them to America. Scarcely had he got back to London when he wrote to her the following letter:—

London, August 23, 1800.

Here we are, sitting at our ease in the drawing-room, while you are tossing about, sad and sick, upon the watery element! All our fine weather has deserted us, and it appears as if some powerful spirit had suddenly transplanted us from the torrid to the frigid zone. Oh, the delights of a clear sky and a burning sun!—such are our feelings and such our language amid the fogs and storms of November; for November we appear already to have attained. Strange that the weather should engross so great a proportion of the conversation of Englishmen; still more strange that so dull a subject should be suffered to occupy almost an entire page of a letter written to a dear and distant friend. Will it mend the matter to write a word or two about myself?

The pilot and your humble servant, who, very soon after quitting the ship, became close friends, were set on shore upon Deal Beach, from whence we walked about four miles to Sandwich. After drinking a mug of ale in the most sociable manner, we set out for Margate, in hopes, as wind and tide favoured, we might meet with a packet—I had nearly written a hoy—bound for London. Upon our arrival, after a sultry walk of three hours, we found, to our great mortification, that the boats had all sailed, and we were fain, therefore, to take the coach to Canterbury, from whence we proceeded in the mail, the same night, for London. As I expected, when I reached George Street, ten thousand questions were put to me in a breath; and you know how mortally I hate being teased with questions! However, I made a desperate effort, and summoned all my patience. Where did you leave them? Were they in good spirits? Was Betsy sick? How were they accommodated? What kind of a party? Oh, as to the party, I am afraid, from what the pilot informed me, that there is too great an intimacy between Mrs., or rather Miss, S—— and the captain. Do you know, I began to suspect it? Well I commend the taste of both parties. "Young Celadon and his Amelia were a matchless pair," etc.

Not a word of news,—no certain information relative to the state of the negotiation. Political information has, since you left us, been perfectly at a stand. I have cut out of the Post of to-day some lines, in the manner of Cowper, descriptive of a London summer morning. They will remind you of scenes which you have so frequently witnessed in your walks to the cold bath. I think they are not amiss. Pray remember me very kindly to Mr. Greene, to whom I shall endeavour to give early information of any affair of moment that may occur on this side of the water.

Young Copley had by this time set himself up in chambers in Essex Court in the Temple. But then, as in later years, the days were not allowed to pass without a visit to the home in George Street. "Your brother," his mother writes (August 23, 1800) to Mrs. Greene, "gives us his pleasing company at

dinner, where we unite in best wishes to absent friends. He takes his walk to Hampstead, which he finds pleasant." And again, some years afterwards, she writes, "When possible your brother always dines with us, however engaged."[1] But in these early days he gave his mother and sister every now and then the pleasant excitement of a breakfast at his chambers. "John is very well," his sister Mary writes (Oct. 22, 1800) to Mrs. Greene, "and has promised us another breakfast on New Year's day," when he is to show them the alterations and improvements in his chambers upon which he was then busy. Meanwhile he keeps up a constant communication with the other sister, whom he can no longer delight with his animated talk. His father had been commissioned by Sir Edward Knatchbull to paint a family picture on a canvas that "covered one end of the great room in the baronet's house." It was originally intended to contain ten figures; but before it was finished Sir Edward married again, and insisted on his second wife whom he had married after the picture was begun, and a child she had given him, being added to the group. It is to this picture that young Copley alludes in the following letter to Mrs. Greene. His father had been down to

[1] According to Lord Campbell, Copley "generally dined at a coffee-house, and when the labours of the day were over, he solaced himself in the company of his friends in Crown Office Row" ('Life of Lord Lyndhurst,' p. 24). Until he took up his residence in George Street after his father's death, Lord Lyndhurst always, when not engaged, dined with his parents, and he kept a horse for the purpose of taking him there from the Temple. How much his absence for even a few weeks was missed, is apparent from a letter of his mother's to Mrs. Greene (March 1, 1803): "The Templar," she writes, "has left us to accompany Judge Graham as marshal on the circuit: he will be absent five weeks. We feel rather solitary without his company at dinner; but it is a pleasant excursion, and not without some profit: the two circuits are worth something more than £100 a year." It would be easy to prove by a host of similar passages, from the family letters, that even on so slight a matter as this Lord Campbell "invented his facts."

Sir Edward's country seat to make arrangements for painting the picture on the spot.

Hampstead, September 3, 1800.

We have all written by the *Galen* except my father, who you know, never writes. The captain of the *Galen* has made a bet that he will arrive before you, as your vessel is reported to sail very badly. Indeed, I saw sufficient before I left you to confirm the general opinion; but, as the winds have continued favourable here ever since your departure, we are not without hopes that you may make a short passage.

The *Diana* is upon the point of sailing; I must therefore write much in a short time, and, if possible, in a short compass Where to begin? My father hopes to leave town in two or three days. He has already taken a view of his quarters. Sir Edward carried him to a *hop* frolic at Mr. Hilton's, a gentleman of large property in the county. Two hundred persons of the first fashion, a splendid supper, a brilliant dance (a *hop* frolic, you see, in every sense), flowers and foliage and lamps, five o'clock in the morning, bed and breakfast at Lord Sondes', dinner at Sir Edward's, a spacious and splendid mansion, built by Adams, rain and thunder, eating and drinking, talking and laughing,—such is a rapid sketch of my father's first visit.

Mary [his younger sister] still retains her good looks: my mother is well, and as cheerful as we could expect, after the loss of such a *jewel* as yourself. A long letter from Miss Tomlins, and poems. She is quite angry with Mr. Greene! To come from so far, traversing I know not how many degrees of latitude and longitude, to carry away her friend! She talks of coming to administer and receive consolation! Captain Yonge has met with another mischance. His horses, a few days ago, ran away with him and Miss Poignon, in a curricle, near Piccadily. He was thrown out, his better leg broken, and the curricle shivered to a wreck. Miss Poignon, as being of the race of Falstaff, was less unfortunate; a few bruises, a show of legs, constituted the sum of her sufferings. As to politics, I have but little information to give you. All that has passed and all that is meditated upon the subject of

peace is covered by . . . an almost impenetrable veil. The opinion, however, that the preliminaries are already signed between Austria and France is strengthened by every arrival, though upon the return of Duroc the French funds gradually declined from thirty-eight to thirty-one.

It is said that some communications of a pacific tendency have lately passed between the republic and our own government, and the stocks have felt the influence of the report, Omnium having risen within a few days from three and a half to six. Kleber has been assassinated; an Arab, in the act of presenting a petition, plunged a dagger in his bosom. Menou, who has succeeded to the command, refuses to retire from Egypt. He has married a woman of the country, adopted with the turban a Turkish name and title, and declared himself a convert to the religion of Mahomet. Our regards to Mr. Greene. I salute you.

Three weeks later this letter is followed by another:

To Mrs. Greene.

London, September 26, 1800.

We have been taken by surprise. My mother has been informed, I know not from what quarter, that the *Minerva* was not likely to sail for some time. I therefore went yesterday evening into the city, to request of Mr. Bromfield that he would undertake the shipment of a small case for you, containing an opera tippet, a muff, and some little et ceteras, but was much mortified at finding that we had missed our opportunity, as the vessel had already cleared out. Another ship, however, the *Merchant*, will sail in about a week or ten days; so that I hope this unlucky mistake will not put you to any inconvenience.

These winter habiliments have recalled to my recollection a subject upon which I must say a few words. Let me, my dear sister, entreat you, in our joint names, by the affection you bear us, to be particularly attentive to your clothing during the severe weather which you are likely to experience in the approaching winter; and to be more especially careful on

the return of spring, during which season the violent transitions from heat to cold are said to be very trying to the female constitution. You should cautiously watch the changes of the weather, and adapt your dress rather to the *day* than the *season*. Excuse me, my dear sister, for presuming to give advice, and ascribe the liberty I have taken solely to the deep interest I feel in everything that relates to your welfare. I have made a packet of about a dozen of the last newspapers; I hope both Mr. Greene and yourself will receive pleasure from the perusal of them; I did not put a greater number into the bag, but you may depend upon receiving, by the next opportunity, the entire series from the day when you left London. It appears, I think, from the general complexion of affairs, highly probable that a peace will be concluded between this country and France before the return of spring. It is a blessing ardently looked for, and will be welcomed by the great mass of the community with joy and enthusiasm.

More secret expeditions, and in the event as disgraceful, though not quite so disastrous, as some of the former. Sir James Pulteney landed fifteen thousand men in the neighbourhood of Ferrol, and re-embarked without venturing to attack the place. It is said to have been weakly garrisoned, and, if taken, would have proved a very valuable conquest. Disturbances have prevailed throughout every part of the kingdom on account of the high price of provisions. They have been generally quelled without bloodshed. The volunteer corps have proved of great service. You will read of dreadful riots in London. Be not alarmed. They may appear formidable at a distance, but, I assure you, they did not exite a moment's apprehension in the minds even of the most timid .... Pitt has returned with his Russian bride. As to her person, she is very *well*; but, after all I had heard, I confess I was disappointed. My father is still at Sir Edward Knatchbull's, and is highly pleased with the hospitable and polite reception he has met with. He will not return to town for some time. My mother is very well. Mary looks charmingly. As to myself, I have still some flesh upon my bones. The two solitary ladies paid me a visit yesterday in the Temple, and were regaled with oysters, etc. I have entered into winter quarters, and shall remain stationary till the swallows

return from their annual excursion. The weather, however, still continues fine. I have written in great haste, but if my letter is legible the object will be answered.

In these days, when young Copley was doing his best as a special pleader to gain the good opinions of his "not very numerous" clients, his life must have been as devoid of incident as that of any of the numerous aspirants for fame and fortune, who spend laborious days and anxious nights in the not too lively chambers of the Inns of Court. He had leisure and to spare for keeping up his correspondence with Mrs. Greene and her husband. This has fortunately been preserved, and the following selections from it speak for themselves not only as to the strength of his domestic affections, but the extreme moderation of his political opinions.

To Mr. Greene.

London, October 22, 1800.

It is now above two months since you quitted our shores, and we are therefore beginning to look out for the much-wished-for intelligence of your happy arrival in America. Like impatient school-boys, we began our computation by months, and now reckon the weeks which will probably elapse before we are informed of your safety. We have already scribbled a ream of paper, and are still adding to the quantity.

Mr. Winslow goes to Boston, *via* New York, and I must not let slip so favourable an opportunity of sending the latest intelligence from Europe. He will deliver you newspapers up to the 22nd instant, from the conclusion of the last set which were forwarded by the *Merchant*. . . .

When I began my letter, I intended to have attempted to give you some idea of the state of politics, both foreign and domestic. But, the papers which I have sent being the

principal source from whence I derive my intelligence, I could do little more than repeat and abridge the information they contain. The high price of provisions appears to excite very general uneasiness; but whether the scarcity is real or artificial is a point upon which opinions are very much divided. I think it is very doubtful whether Parliament, which meets on the 11th of next month, will be able to remedy, or even to mitigate, the evil.

All commotions, however, have subsided, and, notwithstanding the sufferings of the poorer orders of society, the most perfect tranquillity at present prevails. Cobbett, who was an instrument of so much mischief, is an American; he has issued a prospectus of a new daily paper, which he intends to publish here under the title of the "Porcupine." It is filled with the most virulent and intemperate invectives against the United States. I send you a copy.

I think there is much reason to apprehend that there will not be a long continuance of harmony between this country and America, and I am afraid this fellow will fan the sparks of disunion, which appear already to be quickened, till they burst into a flame.

Circumstanced as we are, we must deprecate a rupture with America as the greatest of calamities; since, by increasing the difficulties of communication, it will in fact separate us still more widely from each other, and consequently render us still more sensible of our loss. Among the news you will find a *thread paper*. Polly sends it to Mrs. Greene. I remonstrated with her on the subject. "What, send a thread paper across the Atlantic!" "And why not," she says, "as well as a newspaper?" I must not forget to mention that my mother some time since shipped on board the *Merchant*, of Boston, for Mrs. Greene, a box containing several articles of dress, which she is anxious should arrive before the winter. . . .

Accept my regards, and believe me very sincerely yours.

My mother is uncommonly well; Mary quite fat. My father is still in Kent. Adieu. Mrs. Greene, I salute you.

To Mr. Greene.

London, January 22, 1801.

I have too long delayed to thank you for your kind letter. The arrival of the *Minerva* has increased the debt, and the acceptable present which it contains is rendered doubly valuable by the accounts we have received of your welfare. Betsy is very good to us, and, I am persuaded, will continue so. It is unnecessary, and I am sure it would be difficult, to describe the pleasure we receive from her letters. Placed in a similar situation with ourselves, and blessed with the tenderest affection, she is fully able to appreciate it. To say that they are necessary to our comfort is almost too cold a language; they are essential to our existence; we cannot live without them.

Indeed, unless we exert ourselves with vigilance to counteract the Lethean effects of time and absence, we shall become in a degree strangers to each other. The very idea is dreadful: away with it!

We were surprised that a letter of the 14th of December should contain no account of the event of your important election. It is understood here that the votes were to be published on the 3rd, and eight or nine days would, I should think, be amply sufficient, even at this season of the year, to convey the intelligence from the federal city to Boston. We anxiously hope, and indeed the probability seems to favour our wishes, that Mr. Adams may be confirmed in his station; as we think that the happy harmony which has subsisted between the two countries is more likely to continue, and even to gain strength, under his auspices than under the administration of either Jefferson or Pinckney. I wish it were in my power to communicate any favourable intelligence from Europe.

Mr. Pitt, about two months since, ventured to declare in the House of Commons "that even as a common spectator he should advise the emperor to continue the war!" He *has* continued it, and the French, after a series of the most unexampled successes both in Bavaria and Italy, have established their headquarters within sixty miles of the capital of the

Austrian dominions, without a fortification, or scarcely the semblance of an army, to oppose their farther progress. The consequence has been that an armistice of thirty days has been concluded, and the emperor, before the expiration of that period, will be compelled to accept such terms as the victor may think it prudent to impose. It is generally supposed that by the preliminary treaty Belgium and Savoy will be finally ceded to the republic, that Holland and Helvetia will be established as independent governments, and that the emperor will renounce all his claims in Italy to the west of the Adige. Whether a separate peace with the emperor will lead to a peace with this country, it is impossible to foresee. The treaty of armed neutrality which is actually signed between the courts of Russia, Sweden, and Denmark will encourage a perseverance in hostility on the part of the French; and as we cannot give way to the unsanctioned pretensions of the Northern powers, no prudent person can venture to fix a term to the contest.

Sir R. Abercrombie has sailed for Egypt with about twenty thousand men; but the public are prepared for the intelligence of disaster in that quarter, as there seems to be good reason to suppose that Menou is well provided for defence.

I have only left room to sign my name at the end of my letter, and have still two or three things to add. Bread has fallen to twenty pence the quartern loaf, which weighs about four pounds five ounces; but it is expected shortly to rise again, as wheat and flour have advanced considerably in the course of the week. In a few days, however, the law for the prohibition of white bread will begin to take effect. The people murmur, but remain quiet. Everybody looks anxiously forward to peace as the only event that can put an end to the public distress.

To Mrs. Greene.

London, March 2, 1801.

We write by the *Minerva*, which sails in a few days; but, as you will be disappointed in not receiving a letter by the *Galen*, if it should happen to arrive first, I am therefore commissioned to transmit a line for the purpose of informing you

that we are all well, and that your commission has been in every respect punctually executed. Upon Captain Barber's return you will receive a case containing the cotton furniture and fringe, the carpeting, a proof print of Chatham,[1] the lamps, and a barometer, which Mr. Webb has restored to its former splendour.

What shall I say in the remainder of this page? The king has had a return of his old complaint, but is now in a state of convalescence. A treaty of peace has been concluded between the emperor and the French republic. Pitt, Grenville, Dundas, etc., have resigned upon the Catholic Emancipation. Addington is the new prime minister; Hawksbury succeeds Grenville. The appointments are not yet made out; these are suspended in consequence of the king's illness. . . .

Regards to Mr. Greene. Adieu, adieu, a thousand times adieu. You shall have a long letter by the *Merchant* to make amends for this scrawl.

To Mr. Greene.

London, April 20, 1801.

We are anxiously expecting news from Boston, as some weeks have now elapsed since we have received any intelligence from our friends in that place. You must not, however, suppose that we are unmindful of former favours, or that the impression made by your letters is fugitive and transitory; you will, I am persuaded, be ready to assign a more just and much better reason for our impatience. Feeling as we daily do the loss we have sustained, every alleviation is welcomed with eagerness; but while we are devouring the contents of a letter we cannot forbear reflecting upon the days which have elapsed since it was written, and, throwing our view across the Atlantic, we indulge in thoughts upon the present, and sigh for more recent and therefore more satisfactory intelligence.

That our feelings and sentiments are reciprocal it is a comfort and happiness to consider; and you will therefore, I am persuaded, sincerely rejoice with us at the favourable

[1] The engraving of Copley's picture of "The Death of Chatham."

change which, within a few days, has taken place in the aspect of our public affairs. By the enterprise and courage of our seamen, who have achieved a brilliant victory over the Danes even in their own harbour and in view of their capital, and by the sudden death of the great autocrat, Paul, the vital spring and soul of the Northern Confederacy, we have a fair prospect of extricating ourselves with reputation and honour from the perplexed situation in which this formidable league had involved us.

We have commenced a negotiation with the French, which it is not improbable may terminate in a peace; our sovereign, for whom we have experienced so much anxiety, is rapidly recovering from the effects of his late indisposition.

The new ministers have constantly manifested a spirit of mildness and conciliation, and there is every prospect that an ample harvest will rescue the poor from the privations and sufferings to which the scarcity of the two last seasons had condemned them. With respect to Egypt, indeed, it is uncertain at present what may be the result of our exertions in that quarter.

Paris papers were yesterday received which state that General Abercrombie had landed with twelve thousand British troops in the vicinity of Alexandria; that he had been immediately attacked by four thousand of the enemy, who, after a vigorous conflict, fell back towards the city; that a second engagement had taken place, which had been followed by no farther advantages; and that Menou had arrived from Cairo, and was assembling his army from all quarters to oppose the invaders. We shall therefore look with anxiety for farther intelligence; particularly as the operations upon this theatre must necessarily have so important an influence upon the negotiations for peace. . . .

To Mr. Greene.

London, June 27, 1801.

We were very much mortified in learning the disaster which occurred to the glasses, both of the Chatham print and of the barometer. With respect to the latter, Webb assured me that

he would take care so to secure it that it would arrive without accident; finding fault at the same time with the manner in which it had been packed upon the first voyage. I have many thanks to return for the newspapers with which you have so repeatedly furnished us, and very much regret that it has not been hitherto in my power to transmit a regular series from hence. I have several times endeavoured to arrange a plan with my friends by which I might secure to myself a reversion of the papers, but have not yet been able to succeed.

Nothing will give me greater pleasure than to be able to contribute to your gratification in this particular, as I am persuaded that, notwithstanding your *transatlantic exile*, you must still feel an interest in the intrigues, the contests, and the revolutions of Europe.

In consequence of the timely death of Paul and the splendid victory of Copenhagen, our contest with the Northern powers, which appeared to threaten such alarming events, will in all probability be speedily adjusted in an amicable and favourable manner.

Lord St. Helens has arrived at St. Petersburg, and the embargo has been removed from the British vessels in the several ports of Russia.

We have manifested a similar spirit of conciliation, and have relieved all the Russian, Swedish, and Danish vessels which have been detained in England. Mr. Addington and his associates in administration hold a very moderate and pacific language; the same temper is also possessed by the chief consul, and the negotiations between the two countries have for some time been carried on with great activity. It is impossible, with any safety, to speculate upon the result; but there are those who assert that the affairs will terminate in a peace, at once honourable and advantageous to Great Britain. It is said that the French are to evacuate Egypt, and that we are to be allowed to retain the port of Alexandria, as a check upon any future enterprise directed against that country; and that we are to be suffered also to keep the Cape of Good Hope and all our conquests in the East Indies,—but then, in the West we are to make large sacrifices; and, lastly, that the King of Sardinia is to be reinstated in the possession of Piedmont. It is asserted that the chief consul is sincerely

desirous of concluding a peace with this country, as well on account of the general eagerness manifested in the republic for this event, as because of the difficulties and embarrassments in the way of the indemnities agreed upon at the settlement of the treaty of Luneville.

As to Egypt, we have no authentic accounts from that country of a later date than the 22nd of April; but there are various reports in circulation, chiefly founded upon the paragraphs and letters contained in the French papers, that the issue of the contest in that part of the world has not been so favourable as, from previous circumstances, we were naturally led to hope.

These reports, however, rest upon very slight foundation, and do not appear to be entitled to any credit.

To Mr. Greene.

London, July 25, 1801.

Dear Sir,—Your excursion to New York and Montreal has, I hope, in every particular, been attended with all the pleasure and gratification which you expected to receive from it.

To my sister, who had before seen but little of America, the tour must have been interesting in the extreme; I expect her letters will be filled with captivating descriptions, as well of the sublime scenery of the Hudson as of the romantic and picturesque beauties of Montreal. I assure you, I have a thousand times longed to be of the party, which, according to Mr. Atkinson's account, was to be strengthened by a considerable accession of friends at New York, and was to be all life and gaiety and cheerfulness.

While you, on your side of the water, are enjoying these agreeable and peaceful scenes, which tend to humanize the heart and improve the social affections, our attention is engrossed by objects of a far different character,—by the immense preparations which the French are making along the whole extent of their coast for the invasion of this country. These formidable appearances, however, have not yet created the slightest symptom of uneasiness, although ministers are

exerting themselves with laudable activity and vigour for the purpose of preventing or defeating the enterprise. Indeed, I think that *here* we are invulnerable, and that it is only Ireland that can afford any just ground for apprehension. For it is there alone that the enemy, if by any accident he should succeed in eluding the vigilance of our squadrons, can reasonably hope to meet with countenance and co-operation.

The actual state of affairs in Egypt is involved in considerable doubt and uncertainty. For although the last advices from that country were of the most favourable nature, yet there is reason to believe that Admiral Gautheaume has contrived to land a powerful reinforcement, to the extent of four or five thousand men, in the vicinity of Alexandria. The squadron under his command has also fallen in with and captured the *Swiftsure*, a seventy-four-gun ship, commanded by Captain Hallowell, which was returning to England on account of her leaky condition. She attempted to fight her way through the middle of the French fleet, but was, at length, brought to close action, and compelled, after a gallant defence, to surrender to the superior force of the enemy. Captain Hallowell is, I believe, a native of Boston. He has distinguished himself very honourably on several occasions, in the course of the present war.

We have also met with another naval misfortune. Sir James Saumarez chased into Algeciras Bay a French squadron, consisting of three line of battle ships and a frigate, commanded by Admiral Linois. The enemy anchored close under the Spanish batteries, and, having a considerable number of troops on board, sent them ashore to man the works. The British commander, nevertheless, ventured upon the attack, but, after a most obstinate and bloody engagement, was compelled to retire, leaving the *Hannibal*, of eighty guns, in the hands of the enemy. The only account, however, which we have yet received of this affair is through the medium of the French papers, which are not, certainly, upon all occasions, to be implicitly relied upon.

A convention has been signed at Petersburg by Lord St. Helens and the Russian minister, to which the courts of Sweden and Denmark have since acceded. The terms of this treaty have not been officially announced to the public, but it

is generally understood that the right of search, even in the case of vessels under convoy, is expressly recognized, but that certain regulations are prescribed relative to the mode of exercising the right, which, it is hoped, will prevent future occasions of differences and misunderstanding. It is also stipulated that neutral vessels, under convoy, shall not be visited, or in any respect molested, by the privateer of the belligerent powers.

August 5.

At length we have received advices from Sir James Saumarez, which confirm the statement that I have already given you, relative to the disaster sustained in Algeciras Bay. It appears that the *Hannibal,* in moving to her station, unfortunately took the ground. In this situation she was exposed to heavy fire from the Spanish batteries, and, there being no possibility of extricating her, she was reluctantly compelled to strike her colours. But the sequel of the affair must forever put to silence the vain and ridiculous boasts of the enemy on account of this accidental advantage. For it has been followed by a victory as glorious to the British arms as anything that has been achieved during the course of the present war, in which the enterprising and heroic spirit of our navy has shone with such distinguished lustre. For shortly after the engagement six sail of the line, confiding, no doubt, for security in the crippled state of our vessels, ventured to put to sea from the harbour of Cadiz. This squadron consisted, among others, of two Spanish first-rates of one hundred and twelve guns each, a French eighty-gun ship, and the *San Antonio,* a Spanish seventy-four, but under French colours, commanded by a French officer, and with a crew composed of an equal proportion of each nation. The enemy proceeded to Algeciras Bay, and, being there joined by the three French ships and the *Hannibal,* under the command of Linois, immediately steered its course back again towards the Straits. Sir James Saumarez had exerted himself with indefatigable diligence in refitting his vessels; and, with only five sail of the line, proceeded in pursuit of this fleet, which was of considerably more than double his own force. He came up, towards the close of the day, with the sternmost of the enemy's ships, and immediately brought them to action.

This bold and daring enterprise was crowned with signal and deserved success. For, in the course of the engagement, the two Spanish first-rates took fire and blew up, and the *San Antonio*, after a short resistance, was captured. The rest of the fleet, favoured by the darkness, made its escape, and took refuge in the harbour of Cadiz.

August 15.

I have left my letter open for the purpose of communicating the latest information, as well political as domestic. With respect to the latter, I have the pleasure to acquaint you that we are all well, an intelligence that to distant friends can never be uninteresting or superfluous. We were yesterday made supremely happy by the receipt of a letter from Betsy, dated New York, 20th. I am afraid that the commissions which it contains cannot be executed in time for the sailing of the *Minerva*, but as there is another vessel to follow in about a fortnight, the delay will not, perhaps, be of much importance. My mother has omitted in her letter to send you our thanks for the meal. I am therefore commissioned by the whole circle to tender our acknowledgments in due form for your kind and acceptable present. You will, I am persuaded, be happy to hear that our harvest is likely to prove most abundant. The season has been extremely propitious, and throughout the southern part of the island the wheat is in general cut, and in many districts already secured.

Lord Nelson has visited Boulogne, but, as it appears, rather for the purpose of experiment than with the intention or the hope of performing any great and splendid exploit. About twenty-five of the enemy's gun-boats were outside the harbour; he destroyed ten of these, but very properly and humanely abstained from doing any injury to the town, which, as it is said, lay completely exposed to bombardment. He has since returned to the Downs, and is preparing for a second expedition, but the object of attack is prudently concealed.

By letters received from Lord Minto, English minister at Vienna, and Mr. Tooke, the East India Company's agent at Constantinople, we are informed that the castle and city of Cairo have surrendered to the combined British and Ottoman army. The terms of the capitulation are reported to be honourable. The troops of the enemy, to the number of five

thousand, are to be embarked at Rosetta, and to proceed to France under the protection of a British force. It is still, however, uncertain whether Gantheaume has landed any force upon the coast of Africa; but even if he succeeded in the enterprise, I think the fall of Cairo may be regarded as decisive of the fate of Egypt. There is therefore every reason to hope that long before this the conquest has been completed, and that we have at length happily succeeded in removing the great obstacle to the termination of the war. For it has always appeared to me impossible that the two governments should, according to the usual maxims of policy, agree upon the terms of peace before our operations in Egypt were brought to a close.

August 17.

Lord Nelson has made a second attack upon Boulogne but it has not proved successful. He got possession of several of the gun-boats, but could not bring them off, as they were all connected together and moored with heavy chains. Only one lugger-rigged vessel was secured. Her complement of men was seventy, of which all were killed but fourteen, and most of these were dreadfully wounded. This circumstance will enable you to form some idea of the desperate fury of the engagement. Our loss is estimated at about two hundred, killed and wounded.

Pray present my regards to Betsy, and believe me very truly yours.

To Mr. Greene.

London, October 14, 1801.

You have, no doubt, before this returned to Boston, and absence, as usual, has served to render *home* still more agreeable. Montreal, independently of the beauty of its situation, is greatly recommended to strangers by the cheerful and hospitable character of its inhabitants. I am persuaded that Mr. Clarke spared no exertions that might contribute to the entertainment of his visitors. I am convinced that you have been pleased with the place.

Travelling in America does not afford such a variety of amusement and instruction as in Europe. Without manu-

factures and without the arts, you have little to engage your attention except the picturesque and sublime scenery of the country. In passing, however, from the States to Canada, there is a new source of observation opened to the mind. It affords an opportunity of observing the effect of different institutions and different forms of government upon the improvement of a country, and upon the character and manners of its inhabitants. Among the people of the States, it is said, there is more activity and enterprise; among those of Canada, a greater share of courteousness and civility,—arising, perhaps, from the mixture of French,—and a greater appearance of neatness and comfort. Compared, too, with the States, the latter country advances but slowly in the settlement of its lands and the increase of its population. I have thought that it is the policy of our government to retard the growth of a colony which, it is probable, will shake off the jurisdiction of the parent state when it begins to feel its own strength and resources. With respect to Canada, however, I speak only from report; it is for you to correct and instruct me.

The sudden restoration of peace between this country and France will, no doubt, very much surprise you. To us, I assure you, it was no less unexpected than welcome. Some objections are made to the terms; but when we recollect that, with a very trifling difference, they are the same which were proposed through the medium of Lord Malmesbury in the year 1797, I think we have no great reason to complain. I perfectly agree in opinion with Mr. Fox, that, independently of considerations arising from humanity, even the island of Martinique, valuable as it undoubtedly is, would be dearly purchased at the price which it would cost to continue the war for a single month. We are to restore all our conquests, with the exception of Trinidad and Ceylon, and the Cape of Good Hope is to be a free port. Tobago, it is said, though I will not vouch for the truth of the report, is to be ceded to this country by the definitive treaty as an equivalent for the million which is due on account of the French prisoners, and which Buonaparte does not find it altogether convenient to pay. I very much wish that we could have retained our conquests in South America, as you, no doubt, would have

preferred the protection of the British government to that of the Dutch. But though we have not obtained all that we might have desired, we ought heartily to rejoice that a period is at length put to the slaughter of the human species, and to those multiplied miseries which this dreadful war has occasioned.

Alexandria has capitulated to General Hutchinson. Bread has fallen to twopence per pound. The three per cents. have risen to sixty-seven. General Laureston, who brought over the ratification, was drawn in triumph by the populace. The illuminations have been splendid, and the rejoicings general and almost unbounded. All the world is moving to Paris. What a pity you are so far off! Give my love to Betsy, and believe me to be truly yours.

To Mrs. Greene.

London, October 31, 1801.

A letter from England is sure of a welcome reception. Though destitute of any intrinsic value, it may derive importance from accident and circumstance, as we treasure up a leaf taken from the laurel that flourishes upon the tomb of Virgil, or a fragment of stucco collected from the remains of Herculaneum or Pompeii.

I am persuaded you have rejoiced with us at the happy tidings of peace. Everything already begins to assume a different aspect. Our manufactures, which, for some months past, had been nearly suspended, are again in motion, and employment is afforded to those hands who have suffered under the utmost extremity of wretchedness and want. The treaty is, however, very far from meeting with universal approbation.

The warm Anti-Jacobins, with Windham at their head, are of opinion that no peace should have been made with France, while she retained her republican form of government. They do not scruple to say that the ministers have signed the death warrant of the country. Another party, at the head of whom are the Marquis of Buckingham and Lord Grenville, censure the peace on the ground of terms, and think that ministers

have made concessions not authorized by a comparison of the relative situation and resources of the two countries. On the other hand, the treaty is supported by Mr. Pitt, and the leaders of the opposition: by the former, on I know not what grounds; by the latter as the best conclusion that could at this time have been expected to a disastrous and ruinous war. The debate upon this important subject is to take place on Tuesday next, and cannot fail to be highly animating and interesting. It is whispered that Mr. Pitt, having disengaged himself from his colleagues, who controlled and thwarted his views, is soon to resume his former situation. It is, however, mere rumour, and I cannot venture to give an opinion upon the subject. But what have you to do with our parties and factions? You have, no doubt, by this time, lost all interest in our political squabbles, and whether Pitt or Fox, Whig or Tory, prevails, must to you be a matter of perfect indifference. Had I thought of this sooner, I might have spared you the trouble of perusing so many lines upon so dull a topic, and substituted something more *important* in its place. But better late than never! . . .

Pray forgive such a wretched scrawl; but I have written as fast as my fingers could move, that I might not lose my dinner. Pray present our regards to Mr. Greene, and accept the kind love of the whole circle. In haste, as you will easily perceive.

To Mrs. Greene.

London, June 29, 1802.

The inclosed is the joint production of Mrs. Copley and her son. My congratulations to you, my dear sister, upon the happy event of which we have so lately received the joyful intelligence. Mary looks as black as November at being saluted by the title of *aunt;* but, as to my mother, she has with great readiness ordered her grandmamma's cap, and looks as dignified and stately as you please. Pray present my regards and congratulations to Mr. Greene, and believe me ever yours.

To Mrs. Greene.

London, August 9, 1802.

And so, my dear sister, you are apprehensive that Mary and myself may forget you!

It is surely not kind to entertain such an opinion of us; it is cruel to express it. After having passed so many years together in the most perfect love and harmony; after having shared in the plays of childhood and the amusements and conversation of maturer years; after so many reciprocations of friendship, is it possible that your image should ever be effaced from our recollection? No; whatever may be my situation or fortune in life, in whatever part of the world my lot may be cast, you will ever be present to my thoughts; your virtues, the loveliness of your disposition, and the repeated instances I have, upon all occasions, received of your kindness and attachment will ever inspire me with the tenderest recollections. Dismiss, then, my dear sister, these apprehensions from your mind, and entertain juster sentiments of those whose regard, far from being impaired by distance and the lapse of time, will every day acquire new strength and vigour.

And now, Betsy, I have a great secret to communicate to you, of which, however, you must not suffer even a hint to escape from your lips. If I were here to pause, what a field should I leave open for the activity of your imagination! What is this important secret which he is preparing to unfold? Is Mary upon the point of being led to the hymeneal altar? Or are you, yourself, fond as you have always professed to be of freedom,—are you become so far degenerate as to submit, without a struggle, to the slavish and galling yoke of matrimony? No, my dear sister: the secret, the wonderful secret, to which I allude is of infinitely more interest than any little private arrangement of this nature. It is of interest not to our little group alone, but to the whole circle of the Arts; not only to the present time, but to all future generations. But what is it? Well, then, attend: my father has discovered the Venetian—"the true Venetian,"—more precious than the philosopher's stone! Is that all? And are you

already so barbarized by your transatlantic residence as to put such a question? Is that all? To have made a discovery which the artists of three generations have in vain been endeavouring to explore! What is it that has raised the Venetian artists to so high a pitch of celebrity? It is not their drawing; it is not their superior skill in composition, in the distribution of drapery, or in the management of light and shade: it is principally to be ascribed to the medium, or vehicle, of which they made use, which was peculiar to themselves, which they carefully concealed from others, and which was lost with the decline of their school. Henceforth, then, you may fairly expect that my father's pictures will transcend the productions even of Titian himself. After such a communication what can I say more?[1]

Give a kiss to the baby, and my regards to Mr. Greene. I have written to Mr. Greene this morning, but as there are two ships upon the point of sailing, the *Galen* and the *Minerva*, I intend sending one by each vessel.

To Mr. Greene.

London, August 9, 1802.

Accept our sincere congratulations upon the birth of the little cherub, of whom Betsy writes in terms of such rapture and fondness! I assure you there is not one among us but would give the world to see and dandle the pretty creature, though it were only for a few minutes. But his mother, if I conjecture rightly, could not be prevailed upon to spare him even for that short space. I am sure Betsy makes an excellent nurse and an excellent mother, and there is only one danger to apprehend, lest the little man in embryo should be spoiled by too much caressing. The most effectual means of preventing this is by providing a succession of similar playthings, that the attractions of one may be set off against those of another.

[1] Sir Joshua Reynolds thought that he too had discovered the Venetian secret in the perilous vehicles which he used for the colours of his pictures. He lived to see in their decay how greatly he was mistaken. Copley's discovery, whatever it was, had no such disastrous consequences. His colours have stood well, but they certainly have not the luminous richness of the Venetian school.

With respect to domestic intelligence, I have little to communicate. I am sure it will afford you and my sister great pleasure to learn that we all enjoy good health; and though my mother occasionally sighs when she reflects upon the immense distance at which her daughter is removed from her, yet when she, at the same time, calls to mind the happiness of her lot, it alleviates her anxiety, and whispers consolation and peace.

In the field of politics, as far as this country appears to be concerned, everything is calm. The calamities of war begin to be forgotten. The burdens which it has occasioned we bear without repining. Opposition and faction have nearly died away, for the measures of the new administration are almost universally approved by the nation. If any dissatisfaction exists it is chiefly among the most violent advocates of the war.

Perhaps great talents and an ambitious spirit are not to be wished for in a prime minister of this country. The restlessness of spirit with which they are accompanied is fatal to national repose and national prosperity: for repose and prosperity, in a commercial kingdom, are intimately connected with each other. Mr. Pitt is almost forgotten, and though a subscription has been entered into for raising a statue to his honour, and five thousand pounds have been collected for this purpose, yet it would be strange, indeed, if, after being twenty years in power, and after having filled the pockets of so many, such a scheme should have failed of success. A similar project has been set on foot in favour of Mr. Dundas at Glasgow.

Betty will regret to hear that Sir Edward Knatchbull has been thrown out for the county of Middlesex upon the late election. The contest for Middlesex has been carried on with much warmth between the partisans of Sir Francis Burdett and Mr. Mainwaring. The former has been returned, but it is doubtful whether he will hold his seat, as many of his votes are of a doubtful nature. He owes his election to his opposition to the House of Correction, in Cold Bath Fields, commonly styled the Bastile by the populace, and in which, I believe, some abuses of power have been committed. It is impossible to describe the enthusiasm of the multitude in

favour of their champion. The people were, to a man, on his side, and the numbers which accompanied him from Brentford to London, on the day of his election, surpassed anything that the imagination can conceive. I send two numbers of "Bell's Weekly Messenger," and will supply you with a regular series of them by every opportunity that presents itself. It is a well-conducted paper, and will furnish you with all the material intelligence, as well with respect to this country as to Europe at large. Present my kindest regards to Betsy and all your friends, and believe me to be very truly yours.

To Mr. Greene.

London, September 9, 1802.

Dear Sir,—The *Sampson* still lingers in port. This delay has enabled me to send another weekly paper, and to repeat to you and my sister the assurance of our love and kind regard. It has not, however, furnished me with any considerable supply either of domestic or political information; for we who are constant residents in London may be truly said, at this season of the year, to be in the stationary point of our orbit. The city, indeed, is always alive, always in a state of fermentation and tumult; but the western extremity of the metropolis is completely deserted, and almost every house shut up. A stranger might suppose that we had been visited by some dreadful epidemic, such is the solitude that reigns in the streets, such the silence that everywhere prevails. Instead of the rapid succession of brilliant equipages which dazzle our sight in the lively month of May, we see nothing but here and there the crazy chariot of some medical practitioner, which, by the sad association which it produces, only adds to the gloom and horror of the scene. Even the Temple, that theatre of noise, contention, petulance, and wit, the loved abode of the demon of strife,—even the Temple itself is forsaken and deserted. All is still and silent. This stillness and silence, however, are most congenial to study; and if we cannot communicate with the living, at least we have the consolation it undoubtedly is, that we are permitted, without interruption or disturbance, "to hold high converse with the

mighty dead." Mr. and a Mrs. Parker and Miss Cruikshanks, from Montreal, deigned, on Saturday, to enliven the scene in George Street. You may imagine the number of questions with which we teased them, and the pleasure we experienced from their answers. Nothing was too minute for our inquiries, because every circumstance, however trifling in appearance, is interesting and dear to absent friends.

All the British world is in Paris; the rage for visiting that metropolis was never, at any former period, so general and violent. There is, indeed, much to see, much to observe, in that extraordinary place; it offers a wide field to the speculations of the moralist, the philosopher, and the politician. Those who have returned do not, in general, appear very well pleased with their visit. They tell us that in the intercourse of society the most perfect equality prevails, but that the government is vigilant, arbitrary, and despotic; that the prisons are filled with state criminals, and that it is dangerous to converse upon political affairs; that the men are dirty and slovenly in their dress and appearance, but that the women in these respects are extremely gay and elegant; that the most unbridled licentiousness of manners prevails, particularly in the intercourse of the sexes; that gaming is the employment both of day and night, and that it is professedly sanctioned by the laws; that religion is ridiculed and despised, and every serious subject banished from the mind; that the First Consul is not popular, but that the people are wholly careless and indifferent upon the subject of politics, and appear not to feel any interest in the transactions of the government. Such is *said* to be a faithful sketch of the inhabitants of *New Rome.*

To Mrs. Greene.

Dorchester, July 28, 1803.

My dear Sister,—We have long been anxiously hoping to hear from you, and have therefore been rendered very happy by the receipt of your letter of the 9th of June, which contains the agreeable intelligence of your welfare. The change of your residence[1] has again put you in a bustle, again

[1] To the Vassall House, a large, old-fashioned house standing in spacious grounds, which now form part of the present Pemberton Square, Boston, U.S.

afforded an opportunity for the display of your taste and judgment, unless, indeed, these powers, for which you were formerly so eminent, have lost their activity from a long residence in a *barbarous* clime. I have no doubt that you must be highly pleased with the charming situation of your house, which is not excelled, and perhaps hardly equalled, by any other spot upon the extensive continent of America.

You are no doubt anxious for our fate, menaced as we are with subjugation by our restless and powerful enemy. For ourselves, however, we have no fears and apprehensions whatever. We are nearly prepared for the reception of these ferocious Gauls; and in the course or three or four weeks our means of defence will be so complete that, even if they should succeed in evading the vigilance of our fleets, they must be overwhelmed by the number of our military, before they can penetrate far from the shore. We are in fact all soldiers; even your brother carries his musket, and as he rides through the country the sight of every laurel-bush inspires him with a generous and noble emulation.[1]

But, numerous as this body is, perhaps you will not be disposed to place much confidence in the steadiness of new levies, and will inquire the amount of our regular force. We have, at present, in this island, about forty thousand cavalry, and about the same number of infantry, equal in all respects to the best troops of France. The old militia consists of ninety thousand men, which were trained during almost the whole of the last war, and are scarcely inferior to the troops of the line. The army of reserve, which, for England and Scotland, amounts to forty thousand men, will be embodied and trained in about three weeks from this time. The volunteer and yeomanry corps, infantry and cavalry, may be taken at about one hundred and fifty thousand, the greater part of which are in a good state of discipline, having been trained upwards of five years. Last of all comes the levy *en masse*, the bill for which has just passed into a law. By this bill, the whole population of the country is to be immediately trained,

[1] Compare this paragraph with Lord Campbell's statement that for years before and after this time Copley's hero was "Napoleon the Great, who had established pure despotism in France, and wished to extinguish liberty in every other country" ('Life of Lord Lyndhurst,' p. 14).

which, it is said, may be effected in about a month. Four hundred thousand men of the first class, that is, of unmarried men, between the ages, I think, of seventeen and thirty, will be obtained by this seasonable, energetic, and constitutional measure.

With such a force, and with the complete command of the seas, which the enemy has no means of disputing with us, I think we may venture to speak with confidence of our security. You will perhaps wish to know something with respect to the disposition of the people. The information on this point will be very satisfactory. Never, upon any occasion, was there a greater display of loyalty, zeal, and unanimity, and before the lapse of a twelve month you may expect to hear of events highly honourable to the British character.[1] If we become a military nation, everything is to be expected from that energy, firmness, and constancy of temper which have ever distinguished the people of this country.

My dear sister, I send to you and Mr. Greene a large bundle of newspapers, which will, I hope, afford you much entertainment and much information with respect to the present state of this country and of Europe. How happy you are, to be enjoying all the blessings of peace and tranquillity, while Europe is in a state of fever and agitation, the result of which it is impossible to predict! I am, at present, upon the circuit with Judge Graham,[2] and shall return to town after completing a tour through Devonshire, Cornwall, and Somerset, in about three weeks. We have hitherto had a delightful excursion. The weather has been extremely favourable, and the country is delightful.

You will rejoice to hear that there is every prospect of a most abundant harvest. Upon our tour we are of course

[1] These are strange words from the man who, if Lord Campbell is to be believed ('Life of Lord Lyndhurst,' p. 14), was "devotedly attached to republican doctrines," and (Ibid. p. 10) "thought a democratic revolution would be salutary, and is said (!) to have contemplated without dismay the possible establishment of an Anglican Republic." They are more in accordance with what he said of himself in his speech on the 7th of October, 1831, on the Second Reading of the Reform Bill, "To the monarchical institutions of my country I have been attached both by habit and education." In this letter the same spirit may be recognised which animated Lord Lyndhurst's great speeches at the time of the Crimean war.

[2] As his marshal.

received and entertained with the utmost attention and hospitality. Yesterday we passed at Milton Abbey, the seat of Lord Dorchester, where I had the pleasure of meeting two of your acquaintances, whom you will recollect by the name of Mr. and Mrs. Lionel Damer. He is brother to Lord Dorchester. Mrs. Damer is a very agreeable, good-natured little woman.

From Salisbury we went to Wilton, the seat of Lord Pembroke, where I had an opportunity of seeing the celebrated picture of "The Pembroke Family" [by Vandyck]. I was extremely delighted with the production, which is certainly one of the finest works of art, in that style, which the world contains. My father, who has never seen it, will almost be disposed to envy me the opportunity which the circuit has afforded. His "Knatchbull Family" is a picture of the same character, and, I think, yields in no respect, except in the taste of the dresses, to the work which I have mentioned.

I must now take my leave, having scribbled an immoderately long letter, which, on account of the love and affection you bear the writer, will, I am sure, not be considered as tedious.

Pray remember me most kindly to Mr. Greene, and present my love and regards to my little nephews and nieces.

CHAPTER IV.

Copley called to the Bar—Goes on the Midland Circuit—His early struggles—His political opinions misrepresented—Persevering industry—First great success in defending Luddite Rioter at Nottingham—Becomes Serjeant-at-Law—Death of his father.

COPLEY was now in his thirty-first year. His business as a special pleader was not sufficient to maintain him, and the allowance attached to his fellowship, something under £150 a year, would expire in 1804, unless he took orders and entered the Church. So gloomy were his prospects that for a time he entertained serious thoughts of taking this step, and he was only induced to abandon it by the urgent entreaties of his father that he should stick to the Bar, and not throw away the fruits of many years of persistent study.[1] He was now fully prepared to enter the higher branch of the profession, to which his practice as a special pleader was only a preliminary step. But to be called to the Bar, without funds at his back to enable him to go on circuit, and to keep his place until he might hope to become known, and to earn an income, would have been merely to court failure.

[1] What Copley, the future Chancellor, meditated, Connop Thirlwall, the future bishop, did. When Copley was canvassing Cambridge in 1826, he was introduced to Thirlwall, who was then in residence there. Thirlwall, he was told, had lost heart about his prospects at the Bar, and was thinking of forsaking it and going into the Church. Copley showed him how near he had himself been to taking that step, and what good reason he had to be thankful that he had not followed up his intention. Thirlwall decided the other way,—how well and wisely was soon shown.

Unhappily his father was not at this time in a position to help him. War with France had again broken out. It was a time of high prices and great monetary depression. The fine arts were at a discount. Commissions for portraits were falling off, and there was no market for historical pictures. What was to be done?

Across the Atlantic there was in Mr. Greene a friend, who had the power, and also, as was quickly shown, the will to help. To him the elder Copley wrote on the 26th of November, 1803, laying the family difficulty before him, and asking for the loan of a thousand pounds to enable the young lawyer to make his start in life. "I shall thank you," he wrote, "for as early an answer to this letter as possible, as my son is under the necessity of determining his course before his Fellowship expires," which it did in six months.

The answer came promptly and the money with it. The tone of young Copley's letter to Mr. Greene in acknowledgment of a boon of such inestimable importance was simple and manly. Not less noticeable in relation to the writer's future career is the way in which he speaks of his profession as affording "a passage to what is of more value than wealth, to reputation and honours."

London, May 30, 1804.

Dear Sir,—I am to thank you for a very serious obligation, and I *do* thank you with my whole heart. It is now considerably more than a year that I have been waiting for an opportunity to be called to the bar; but my father, from various unforeseen circumstances, has not been able to afford me the pecuniary assistance which was absolutely necessary for this purpose. Your friendship has supplied the deficiency, and I cannot sufficiently express the sense which I entertain of your kindness. It will not be improper, and it may be a duty, under these circumstances, to state to you the nature of my prospects. After five years of regular application and study,

I hope I may venture to say, at least to so near a friend, that I am moderately conversant with the system of our laws; and by continual and repeated practice at the societies of mock debate, I think I have also acquired, what is not less essential than a knowledge of the laws, some degree of ease and fluency of expression. I have also, during my practice as a special pleader under the bar, formed some professional connections which, I hope, may materially tend to facilitate my progress and to promote my future interests. Under these auspices, and assisted by your friendship, I am now to launch my bark into a wider sea; I am not insensible of the dangers with which it abounds. But, while to some it proves disastrous and fatal, to others it affords a passage to wealth, *or, what is of more value than wealth, to reputation and honours.*

We have been rendered extremely happy by the letters which we have lately received from America. The information which they communicate relative to the increase in your family and the favourable state of my sister's health has afforded to all of us the sincerest pleasure.

With respect to our political prospects, they are sufficiently gloomy. It appears impossible to foresee any termination to the severe and arduous contest in which we are engaged. For my own part, I have never been in the least apprehensive of the result of a direct attack from the enemy; but what may be the consequences arising from a continuation of our present exertions—and I fear they must long be continued—it is impossible to predict.

According to the news of the day, the ceremony of the Imperial coronation has already been performed.[1]

You will, I am sure, with pleasure, present to Betsy my tenderest regards and congratulations. Believe me to be, dear sir, your faithful friend and brother.

Within a few days after this letter was written Copley was called to the Bar (June 18, 1804). "Having no local or particular connections in any

[1] This report was premature. The Coronation of Napoleon I. did not take place till the 2nd of December, 1804. The Empire was decreed by the Senate on the 18th of May preceding, but the vote of the nation had subsequently to be taken, and the result was only made public on the 1st of December.

part of England," he says in the memorandum already quoted, "I selected the Midland Circuit and the Lincolnshire and Nottingham Sessions." The family correspondence at this time is full of expressions of hopefulness as to his prospects. "His friends," his sister writes to Mrs. Greene (June 12, 1804), "are all very sanguine in the expectations they have formed of his success. We shall lose his company in three weeks, as he is going the circuit. We shall see very little of him from this time, as he will be absent nearly six months in the year, attending the sessions and the circuits." His mother, a few weeks later (July 28), writes to Mrs. Greene with the measured hopefulness natural to one who had experienced not a few disappointments in life. "I trust your brother will meet with that success which will produce happiness for himself and friends. We are encouraged to hope so from all who speak upon the subject; but in this, as in all other worldly concerns, we must not allow ourselves to be too sanguine. . . . The law, as well as other pursuits, requires time and much application to secure success. I am happy to say that your brother has been and is very persevering."

It was at this time, Lord Campbell tells us ('Life of Lord Lyndhurst,' p. 11), that he made Copley's acquaintance. This, he says, he did at a Debating Club which was held at the chambers of Mr. Tidd, the special pleader, and of which Copley was a leading ornament. "When I entered here as a pupil,"—which, as we are informed in Lord Campbell's 'Life' (p. 133), he did not do before the 3rd of January, 1804,—"and was admitted a member of this club, I had the honour of being presented to Mr. Copley, to whom I looked up with the most profound reverence and admiration." That it was not without cause he did so is obvious

from a passage in his Autobiography, written in 1842, and written *sine irâ aut studio*,—with less at least of either than the Lyndhurst Biography of a later period. "When Copley," he says, "took pains, he argued most admirably, giving a foretaste of those powers which should have placed him in the first rank of lawyers, orators, and statesmen. His fault at this time," Lord Campbell goes on to say, and he says the same thing in different words in his 'Life of Lord Lyndhurst,' "which he afterwards fully corrected, was being too loud and declamatory." This statement he proceeds to illustrate by an absurd story of Copley's vehemence having drawn together a crowd of the porters and laundresses of the Temple outside Mr. Tidd's chambers late at night, which led to a cry of fire being raised, and the Temple fire engine being actually brought out. Now as the discussions of the Tidd Debating Club, by Lord Campbell's own account ('Life,' vol. i. p. 138), took place late in the evening, when the Temple gates were closed, and were confined to pure questions of law, the meeting being modelled upon the plan of the courts at Westminster, a chief justice, counsel for the plaintiff and defendant, &c., the story is upon the face of it incredible, and may be discarded as one of the delusions of a memory which in matters of this kind was singularly inexact.

On the same page we are told that "in those days Lord Campbell never met Lord Lyndhurst in private society;" and indeed it is obvious from his published letters and Autobiography, that then and for years afterwards all he knew of Copley was what he saw of him at the Tidd Debating Club. He was not on the same circuit and did not mix with the same set, yet he does not hesitate to speak of the young struggling barrister, whom we have seen, in the

letters above quoted, the idol of his home, and the strenuous student of an exacting profession, in terms calculated to convey a derogatory impression both of the principles and habits of his life. "Bent on present enjoyment," are his words, "Copley was reckless as to what might be said or thought of him," and then, as if from a feeling that this was going too far, the suggestion is qualified by the addition of these words, "But by his agreeable manners, by his contempt of hypocrisy, and by the habit of representing himself somewhat more self indulgent than he really was, he contrived to disarm the censorious, and to soothe all whom he approached." (Lord Campbell's 'Life,' vol. i. p. 140.)

In this part of his Autobiography Lord Campbell is silent on the subject of Copley's political opinions. Indeed he could have had no means of knowing them. They were not personal friends, Copley did not frequent any of the debating societies, at which political and social topics were discussed, where Campbell made his first efforts as a speaker. Nevertheless in his Life of Lyndhurst, he claims to speak as from an intimate knowledge of Copley's political sentiments. "In those days"—that is, the days when Campbell made his acquaintance at Mr. Tidd's rooms, between the 3rd of January, when Campbell became a pupil, and the 8th of June, 1804, when Copley was called to the Bar, for it is of these days he has been speaking—

"I never met him in private society, but I did meet him at public dinners of a political complexion. In after life he asserted that he had never been a Whig, which I can testify to be true, He was a Whig, and *something more*—or, in one word, a *Jacobin*. He would refuse to be present at a dinner given on the return of Mr. Fox for Westminster, but he

delighted to dine with the 'Corresponding Society,' or to celebrate the anniversary of the acquittal of Hardy and Horne Tooke."[1]

One naturally inquires on reading this passage, what were "the dinners of a political complexion" at which Campbell "not unfrequently" met Copley at this time? His Autobiography is silent about them. Were they dinners "to celebrate the anniversary of the acquittal of Hardy and Horne Tooke?" If such they were, how came the wary Campbell to be there —the cautious young Scot, who had written a few years before (May 25, 1801) to quiet his father's apprehensions that he might have been infected with the "advanced views" of the period? "You will caution me, no doubt, against espousing the cause of opposition; but *I have already determined to be the firm supporter of arbitrary power and passive obedience.* Patriots in the present day cut a mighty foolish figure." ('Life,' vol. i., p. 72). If innocent curiosity took Campbell there, and, as he was no Jacobin, active sympathy could not have been his inducement, why might not Copley have been present from the same motive? But, in truth, there is not a shadow of foundation for these statements, any more than for the assertion on the immediately preceding page, to which attention has already been called, that, when Copley was at the University, his "mind being from infancy imbued with republican principles, he took what in American phrase

[1] The wanton recklessness of this statement is proved by a reference to dates. Fox's election for Westminster took place in 1784, when Copley was *twelve* years old. Hardy and Tooke were tried and acquitted in 1794, when Copley was a student at Cambridge. He was away from England part of 1795 and all 1796, and the "Corresponding Society" was suppressed soon after his return in 1797. How could Campbell, who only came to London in 1798, and never met Copley till 1804, and even then was not admitted to his acquaintance, know anything about his antecedent history or opinions?

he called the 'go-a-head side' so warmly and openly as to run some risk of serious animadversion."

How little Lord Campbell really did know of the man against whom he ventures to make such grave imputations is made apparent by the gross inaccuracy of his account of Copley's doings in the period between his taking his bachelor's degree and being called to the Bar. "Copley," he says, "as soon as he finally left Cambridge, took chambers in Crown Office Row." The chambers he took were not in Crown Office Row, but in Essex Court, and they were not taken till at least two years after he left Cambridge. Copley, as we have seen, went to America in 1795, but according to Lord Campbell ('Life of Lord Lyndhurst,' p. 11), he did not go there till after Campbell had become acquainted with him in 1804! Again, in the same paragraph in which he records that Copley determined on being called to the Bar partly because a constant attendance at chambers was expected from him as a special pleader, and this "was very distasteful to him"—a wholly gratuitous assumption—he says that "before commencing his forensic career, he embarked for America," and that he was called to the Bar "as soon as possible after his return" from that country. The "soon as possible" being rather more than seven years afterwards!

With such gross misstatements as these before us, what credit can be attached to the charges put forward by Lord Campbell, with the assurance of a man speaking from intimate personal knowledge, that Copley was an avowed Jacobin, that is, a man who made no secret of his conviction that it would be for the good of mankind if the British Constitution were overthrown and the whole framework of society dislocated? Copley, no doubt, was too sagacious and too far-seeing not to have discerned very early, that the days of "arbitrary

power and passive obedience" were fast coming to an end in England—as indeed what generous spirit did not desire, what man of sense did not foresee, that happy change? But he had studied the history and the thoughts of the great men of classic antiquity too well not to recoil from the extravagant doctrines of the wild theorists whom he is recklessly accused of adopting as his leaders; and with his educated taste and severely logical intellect, disciplined as these had been by travel, and by observation of the dangers of democracy which had impressed him during his stay in America, is it conceivable that he should have wasted his time, every hour of which was wanted for the studies of a profession failure in which was ruin to himself and to those he loved, in listening to the frothy fustian of speakers in the "Corresponding Society," or worshippers of such popular demigods as Hardy and Horne Tooke? Neither Lord Campbell, nor any other of Lord Lyndhurst's detractors, though again and again challenged to prove assertions of this nature, were able to adduce evidence in support of the charge during Lord Lyndhurst's life. After what has been seen in the letters above cited of the tone and character of young Copley's mind, of his loyalty to his sovereign, and his antipathy to revolutionary change, it would be a waste of words to dwell longer on imputations which not even the malice that means to strike with a dead hand would have ventured to have made, could it have dreamed that these letters were in existence to refute its calculated calumnies.[1]

[1] It was also said of Sir Samuel Romilly, that he had been a bigoted Republican. Lord Denman, when this was told him, would not believe it, "because the universal estimate of Romily's fine understanding would be greatly depreciated by the fact being so. For to hazard all the secured benefits of an established order, from a distaste for those forms which fools alone contest; to regret the freedom which may be enjoyed under a constitutional

After his call to the Bar Copley set earnestly to work to make his way there by the only means open to a gentleman—that is, by assiduous attendance on the circuit, at the sessions, and in the Courts of Westminster,—by keeping himself abreast of the new decisions,—and, when briefs came, by showing that the interests intrusted to him would not suffer in his hands. He was not in a position to trifle with his vocation. The welfare of his family as well as of himself was dependent on his success; and this consideration, to say nothing of honourable ambition, was, to a nature such as we have seen his to be, an incentive to "spurn delights and live laborious days" not likely to be disregarded. Very soon the intervals between his letters to his sister, Mrs. Greene, grew longer and longer. His sister at home has to plead in writing to America, that "there are many apologies to be made for him. He is obliged to be in Westminster Hall from nine in the morning till four o'clock; after that is the only time he has for business and study." A few months later his mother writes—"We have the comfort of his company at dinner, and that is as much time as he can afford us." And again (March 15, 1805)—"Your brother is now absent on Circuit. He is making all possible exertion to get forward in his profession, and we do not doubt his success; but we find the law, as well as many other pursuits, requires much perseverance and patience to obtain the object; it is well for us that we do not always foresee the degree that is necessary."

But when he had a little leisure nothing seems to

monarchy for the purpose of an experiment whether it may not also find shelter in a fabric which, if it can be reared, will belong to an order of architecture which, in my eyes, may be more symmetrical—this is a course which would no doubt deserve many other names, but certainly that of folly in a pre-eminent degree." (Letter to Mr. Merivale, 24 August, 1832. Arnould's 'Memoir of Lord Denman,' vol. i. p. 389.) If this were true of Romilly, how much more likely to be true of Copley?

have given him greater delight than to sit down and gossip for half an hour on paper with the sister of his first affections. As for example—

London, September 3, 1804.

My dear Sister,—I am persuaded that you still take an interest in the occurrences, the lesser as well as the more important occurrences, of this part of the globe; and that occasionally to revive the recollections of past events, and to pursue in imagination the fortunes of your former friends and associates, must, to a mind constituted like yours, prove a source of pure rational pleasure. Thus impressed, then, it is my intention to transmit across the bosom of the Atlantic a sheet filled with intelligence, a collection of little facts, which, though trifling in themselves, may, in the union and composition of the whole, form a picture amusing to your taste and fancy.

In considering what particular figure shall occupy the foreground, I have, after some deliberation, selected myself, both on account of the gravity and stateliness of my character,—for I am now a counsellor learned in the law,—and as being, in other respects, an object of no inconsiderable importance, at least in my own estimation. In appearance, then, I hope I am unchanged since we parted in the Downs. For, after some investigation at the glass, which with me, you recollect, was always a favourite article of furniture, I cannot discover either a single gray hair or a single additional wrinkle. But although the appearance of the person is the same, you will not from thence conclude that in other respects I have been stationary. You will, in common courtesy, suppose me to be as much wiser and as much better as the interval may justly seem to require. Run back in your imagination through the last four years, and observe me writing at the drawing-room table, Mary upon the one side and my mother upon the other, and you will have a perfect picture of the present moment. So much for myself.

The next figure in the sketch is my mother. She is as kind and as good and loves all of us as much as ever. We cannot sufficiently thank Providence for having blessed us with so dear a friend and instructress, to whom we owe so much,—more, indeed, than all our attention can ever repay.

It cannot, my dear sister, but afford you the sincerest pleasure to learn that her health is still good; and I am almost led to flatter myself that if you were suddenly to return you would perceive no sensible change in her general air and appearance. She sometimes drops a tear at the mention of your name, expressive of a mingled emotion of regret at your absence and of joy and happiness at the recollection of the blessings of your situation.

Our father, too, although he was a few weeks since slightly indisposed, is again well and cheerful, and as industrious and indefatigable as ever. He is at present employed in painting an equestrian picture of the Prince of Wales, which is to rival the Charles of Vandyck and the Ferdinand of Rubens.

Mary, in despite of all I can say and all I can do, will still be silent, and I assure you, in the conversation of the table, we have lost much in losing you. She has already written to you, but she desires me to reiterate her expressions of affection and regard.

Thus have I formed the principal group of my picture, far outstripping my father in ease and rapidity of execution. I shall now take a wider range, and introduce other persons and other scenes to your notice.

[Here follows some pleasant gossip about old friends.]

My paper is full, and, to conclude in the Oriental style. "What can I say more?" You will not forget to present my best and kindest regards to Mr. Greene.

* *

Neither did young Copley fail upon occasion to keep his brother-in-law, Mr. Greene, informed by letter as to the political situation in Europe. Thus, on the 17th of February, 1805, he writes in terms not very consistent with the admiration for Napoleon which, if Lord Campbell is to be believed, he cherished down to the period of the defeat at Waterloo—

In politics there is, at present, little either new or important to communicate. When or how the war in which we are engaged is to terminate, it is impossible to conjecture. Mr. Pitt requires a loan of twenty-three millions for the services

of the year,—a sum surpassing, I believe, the whole American debt. The *Moniteur* contains a letter from the new emperor to the king of England, proposing a negotiation for peace, together with the concise and vague reply of this government.

But how *can* we make peace in the present situation of the Continent? How can we, consistently with our safety, permit Holland to continue under the absolute control of France? And yet, on the other hand, what are we to hope from a continuance of the contest? Such is our situation that peace and war present prospects alike unfavourable to the interest and security of Great Britain.

I thank my sister for her kind letter. It appears an age since we parted. I am sure she thinks of me with kindness, for I know the warmth and tenderness of her heart. When and where we are again to meet is hid in the impenetrable abyss of futurity.

From this time Copley's letters to Mrs. Greene and her husband became fewer and fewer. Those of his mother and sister explain why. They never fail to mention how closely he is occupied in his efforts "to get forward in his profession," and the perseverance and patience which he shows. "In his first year," his mother writes (November 5, 1805) "he has gone before some of his contemporaries in advancement," adding, "I know you, as well as myself, feel the importance of his success,"—words full, to both mother and daughter, of grave significance, for it was becoming plainer and plainer every day, that the elder Copley was not in the way to grow rich. Your brother, she writes a year later, "has been quite as successful as he could have expected for the time he has been at the Bar. . . . I tell him that when the law enables him to live, I shall be easy. His profession has one great advantage over the arts, that we cannot do without it,"—a remark to which the accumulation of unsold pictures in the studio at George Street

gave a sad emphasis. The letters are full, as might be expected, of alternate hope and apprehension. One month, the time and patience are dwelt upon, which are required by this "terrible uphill profession." The next, things look brighter. Copley has been successful, "not only in obtaining briefs, but, what is of still greater importance, in gaining a high reputation," and the folks at home are "in better spirits than of late." A year goes by, and we hear "he certainly rises in his profession, but the profits increase very, *very* slowly." Still one remark is always transmitted to the anxious sister in Boston—"He is indefatigable in his attention to business." Again his mother writes (February 20, 1807), "I have not seen your brother for some days, his whole time is so occupied pursuing, what I hope he will ere long obtain, establishment in his profession.[1] He is very well, and very assiduous. We only see him just at dinner—very often not then—and directly after he is off. . . . His prospects are satisfactory, and remove our anxious concern upon that score. I hope that thankfulness will take the place that solicitude has so long occupied; it has been an arduous struggle, the last year. He has made a great advance,—and says he must style himself as others do 'a lucky dog.'"

A few months elapse, and things began to wear a cheerful aspect. On the 8th of July, 1807, his mother writes:

Your brother has now that prospect of business which relieves your father and the rest of us from much solicitude upon his account. . . . He has been so occupied ever since

[1] Copley was fond of society, and a favourite there; and being a good dancer as well as a brilliant talker, was in great request. But when he began to get into practice at the Bar, he gave up balls and evening parties, because, as he used to say in his later years, he found them incompatible with the hard work of his profession.

he has been in town that we have seen very little of him, and I expect that little will be still less; but I hope I shall not repine at this, as the cause is so important. . . . You know that his spirits are naturally excellent; they have had a trial; the late change in his prospects is visible in their improvement. As to your inquiries of his residence I can say that he has the pleasantest situation in the Temple. Within the last few months he has removed to the chambers over those he occupied when he left London, open to the gardens and to the river; they are most delightful, pleasant, and airy."[1]

At these pleasant chambers Copley delighted in having his mother and sister to lunch or take tea with him. "We visit the Counsellor," his mother writes (July 2, 1808), "as he cannot come to us in term-time." From this time onwards the reports are all satisfactory. Copley is steadily advancing in business and reputation, and the only complaint of his mother and sister is that they see so little of him. "He is so entirely and so necessarily occupied," writes his mother (December 11, 1810), that she does not remonstrate with him for writing so seldom as he does to Mrs. Greene. "When we can get an hour with him, we wish to enjoy it. I am sure you will join your thanks with mine to Heaven for the blessing we receive from his good character, conduct, and success in his profession."

A sketch of him as he might be seen at Westminster in those days is given by Mr. Bennet ('Biographical Sketches,' p. 197).

"Like Romilly, Copley was destined to remain a spectator rather than an actor for many weary years before attracting public notice, and I well remember him in the old Court of Common Pleas always occupying the same seat, at the extremity of the second circle of the Bar, without paper or

[1] They were now in Crown Office Row, to which he had removed some time previously from Essex Court.

book before him,"—a notable characteristic of the man, who to the last could place implicit reliance on the tenacity of his memory—"but looking intently—I had almost said savagely (for his look at this time bore somewhat the appearance of an eagle's)—at the Bench before him, watching even the least movement of a witness or other party in the cause, or treasuring up the development of the legal arguments brought forward by the eminent men who then formed the Inner Circle of the Bar of learned Serjeants."

Meanwhile prosperity does not visit the studio of the elder Copley. "Your father," Mrs. Copley writes to Mrs. Greene (September 23, 1811), "has struggled hard to overcome the many difficulties, and he is still painting works which ought to procure him more ease, but these are times in which there is no money for their purchase." "But," she adds, "in this state of things the prospects we have of your brother's situation in life is a greater solace than I can convey by my pen. . . . His character and his success in his profession are such as to afford great support and comfort, and, if his health continues, will, I trust, open a brighter scene to those that are near him."

Copley was by this time able to help the household in George Street, and did help it out of his earnings. But in the following year the elder Copley had again to appeal to his son-in-law, Mr. Greene, for a loan of £600, this time not for his son, but for himself.

"My son," he writes (March 4, 1812), "will be bound for it, but, circumstanced as he now is, I find that I cannot perplex him further with my concerns at present. He has been very successful in his profession, and has that prospect before him which is highly gratifying to us; but with the most diligent application and attention his returns are at present but sufficient for his wants, *and for what I am obliged to draw upon him;* and should I harass his mind with anxious solicitude about these concerns, I fear it might so interrupt his

necessary attention to his business, that it might be very prejudicial to him. I wish his mind to be as much at ease as possible, and would rather suffer much difficulty myself than it should be otherwise."

The cause of the elder Copley's difficulties was the exhausted condition of the country, so that, as he says in the same letter, "at this moment all pursuits which are not among those which are the essentials of life are at an end." The misery which prevailed among the working classes was extreme, and some sections of them made their condition worse by combinations to destroy machinery, which their leaders told them would be used to throw them out of work. In Nottinghamshire, Derbyshire, and Leicestershire, which then, as now, depended greatly upon lace and stocking weaving, a wide-spread conspiracy was formed for the purpose of destroying the improved looms of Heathcoat and others wherever they could be found. It was given out and believed that at the head of the conspiracy was one Ned Ludd, or General Ludd, from whom his followers took the name of Luddites.[1] Nottingham was the centre of the movement, and there and in its neighbourhood the attacks upon the improved looms or frames were carried on with extreme violence during the winter of 1811, with the natural effect of adding greatly to the prevailing distress by impoverishing the masters and throwing their workmen out of employment.

To the judicial proceedings arising out of this

[1] "The name," says Mr. Spencer Walpole ('History of England,' vol. i. p. 423), "had a very curious origin. More than thirty years before, there lived in a village in Leicestershire one Ned Ludd, a man of weak intellect, the village butt. Irritated by his tormentors, the unhappy fellow one day pursued one of them into an adjoining house. He could not find the lad who had been mocking him, but in his fury he broke a couple of stocking frames which were on the premises. When frames were afterwards broken, it was the common saying that Ludd had broken them; and thus Ned Ludd, the village idiot, gave a name to one of the most formidable series of riots of the present century."

unhealthy state of things Copley owed his first great start in his profession.[1] At Nottingham, on the 19th of March, 1812, Copley broke down the indictment of one of the leading Luddites, for whom he was counsel, by an objection which gained him a reputation on his circuit that led the way to his becoming a leader upon it. The objection was ingenious, but not so remarkable as to cause great notice but for the excited state of local feeling at the time. His client, John Ingham, formerly a warehouseman in the service of Messrs. Nunn & Co., lace manufacturers, in Nottingham, was charged with having written and despatched two threatening letters to Mr. Nunn, subscribed "Ned Ludd & Co.," announcing that "fifty of his frames should be destroyed, his premises burnt, and himself and one of his leading assistants should be made personal examples of." The letters also stated "that atonement should be had, atonement which will make human nature shudder." The charge was a capital one, the evidence clear, and a flaw in the indictment was the only chance of escape. It had set out that Nunn & Co. were "proprietors of a silk and cotton lace manufactory."[2]

[1] At the immediately preceding assizes, Copley told Mr. Lowdham, a leading Nottingham solicitor, that this would be the last time he would come on circuit, the briefs given him being so few that he could not afford the expense. Mr. Lowdham, who was the Prince Regent's private solicitor, and head of the firm of Lowdham, Park and Freeth, solicitors in London, was a man of means and culture, a bachelor, and liked Copley. "Pooh, pooh!" he said, "You will have business in time, and till it comes, let me help you. When you can, you will repay me. If you cannot do so, I can bear the loss." Copley did not claim his assistance, but he remained on the circuit, and at the next assizes he got the opening he wanted. Copley, so soon as he had an opportunity, showed he had not forgotten the kindness of Mr. Lowdham. When he was Chancellor, he made him secretary of the Lunacy Commission, an office which he held till his death. Lord Lyndhurst's influence also secured for Mr. Lowdham's surviving partner, Mr. George Freeth, the solicitorship of the Duchy of Cornwall, which he held down to his death in 1882.

[2] A square yard of Nottingham machine-made, plain, net lace, which cost £5 in 1811, could now be bought for fourpence halfpenny.

The manager of the firm was examined, and stated that they were proprietors of a silk lace manufactory and of a cotton lace manufactory. On this Copley took the objection, that the evidence showed that the manufactory was not of the kind described in the indictment, which ought to have charged that Messrs. Nunn were "proprietors of a silk and of a cotton lace manufactory," whereas the words of the indictment imported a manufactory of a lace of mixed silk and cotton. The judge sustained the objection, and directed the acquittal of the prisoner. The sympathies of the mob were all with the accused. Copley became the hero of the hour, and they wished to carry him back to his hotel on their shoulders, an equivocal honour not at all to his taste. But from this time he never wanted briefs when he came to Nottingham. The tide in his affairs had come, which, "taken at the flood," as his fine and disciplined powers enabled him to take it, "led on to fortune."

In the following year, having now obtained a name and good position at the Bar, Copley was raised to the dignity of Serjeant-at-law, and on the 6th of July, 1813, was in due form rung out of the Society of Lincoln's Inn to which he belonged.[1] His mother, announcing this advance in his profession to Mrs. Greene (August 16), writes—"We have continued comfort in his good prospects, and, if we are not egregiously flattered, his character is high in his profession, and I might say in all other respects; but

[1] "It is customary," says Mr. Bennett (p. 197), "on a member of this inn being made serjeant-at-law, to eject him in the most amicable manner from the society, ringing the chapel bell, and at the same time presenting him with an embroidered purse, with a substantial enclosure as a retaining fee for his future services as serjeant, if the society should need them." When Lord Campbell went through the ceremony, the £10 which was given him as his retainer was carried off as a joke by Brougham, and cost Campbell a visit to the delinquent's house to get it back.

this is not necessary. I have the comfort to say his health is good, though not one of the most robust in the land. His necessary application to business is very close. He is now upon the circuit, and the effect of the change of air upon his appearance is very visible on his return."

Copley's steady progress during the next two years helped to bring sunshine into the house in George Street, where it was much needed. His father worked on diligently as ever, despite the failing energies of advanced years, but his pictures did not find purchasers. The family had now to depend chiefly upon his son's income. Happily that was improving, although not at such a rate as to enable him to fulfil the yearning of his mother's heart, that he should marry. "Your brother," she writes to Mrs. Greene (June 27, 1815), "is busy, either at the courts or chambers, the whole of his time; he is very well. I begin to fear whether I shall see him married. I wish I might."[1]

This event was rendered still more improbable by his father's death a few months afterwards. In August of this year the still toiling artist was struck down by paralysis. He rallied so far, and the doctors held out such strong hopes of his recovery, that his son went off to Paris with some friends for a week's holiday, which he sorely needed, in the beginning of September. A fresh seizure supervened, and the old man died at the ripe age of seventy-eight, on the 9th of that month, before his son could return.

[1] Contrast this language of the mother, who knows her son's character outside his profession to be so irreproachable that even to refer to it is unnecessary, with Lord Campbell's sneering mention of Copley's having become a serjeant-at-law. "Accordingly he was coifed, and gave gold rings, choosing for his motto, 'Studiis vigilare severis,' which some supposed was meant as an intimation that he had sown his wild oats, and that he was now to become a plodder." Copley was known by this time by his brethren at the Bar to have mastered the science and practice of his profession in a way that no "plodder" could ever hope to do.

On his death his affairs were found to be greatly embarrassed. His house in George Street was heavily mortgaged. He owed considerable sums of money to various creditors. Copley, we gather from a letter of his mother's to her son-in-law, Mr. Greene, had made his family "very large advances" within the last few years, and a sum of no less than £1200 was claimed from his estate by Sharpe, the engraver, on account of the plate from the picture of the Siege of Gibraltar. The rest of the sad story is best told in Mrs. Copley's words:

When the whole property is disposed of and applied towards the discharge of the debts, a large deficiency must, it is feared, remain. My son has of late years advanced all that he could spare, beyond what was necessary for his own immediate subsistence, and has not been able to lay up anything, which caused me and my departed husband very anxious solicitude. I cannot, therefore, now look to him for anything more than the support of myself and my daughter Mary; but it is impossible to express the happiness and comfort that we experience from so kind and affectionate a friend. . . .

You will readily suppose that these various embarrassments have occasioned great disquiet to myself, and to my dear departed husband, whose exertions were unremitting to avert the end; and if his high reputation in his art, with constant application, could have met the return which, setting aside partiality, I think it was not unreasonable to expect, these difficulties would not have arisen. But every effort did but end in disappointment, and a variety of events have shown that he was not to receive a pecuniary gratification from the art in which he so much delighted. It gave me comfort that he derived great pleasure from the pursuit, and that he could keep up his spirits. He always indulged a strong hope that from his exertions he should at least leave sufficient to discharge his debts.

He blessed God, at the close of his life, that he left the

best of sons for my comfort, and for that of my dear Mary the best of brothers. I pray that his cares may not overpower him. I thank Heaven that he is blessed with health and success in his profession. He means to write to you by this opportunity if he possibly can; the courts are sitting, and he is constantly occupied. . . .

It was not without cause that the fond mother wrote of her son in such glowing terms. He proved himself at this trying time to be, in his sister's words,[1] "the kindest and the best of brothers and sons that ever lived." He took upon himself the whole of his father's debts, which were all discharged to the last penny. He moved into the house in George Street, and did his best to make his mother and sister no less happy than they had ever been. They on their part clung to him with equal affection. Mr. and Mrs. Greene tried hard to tempt them to make a home with them in Boston; but of this they would not hear. "Were you here," Mrs. Copley writes to Mrs. Greene (March 3, 1816), "you would say, 'Mother, it is impossible!' Putting my own feelings out of the question, it would be distressing indeed to break up my son's only domestic scene for comfort and resort from his arduous attention to business. His kind and feeling heart you know, and it has had a large scope for action."

The good son and brother, as we shall see, was the good son and brother to the last.

[1] In a letter to her sister, Mrs. Greene, 3rd of February, 1816.

CHAPTER V.

Remarkable case of Boville *v.* Moore—Copley's care in getting up his cases—Trial of Watson and others—Spa Fields Riots—Copley's successful defence of Watson—Unfounded charge of indolence in preparing for this Trial—Is retained for Government in Trial of Brandreth and others—Enters Parliament.

LOOKING at the facts of Copley's life up to this point, it is difficult to understand how even malice could have ventured to set on foot the charge which has been again and again brought against him of habitual idleness and self-indulgence.

Idle men do not wrest university honours from industrious and resolute competitors. Listless students of law do not make their way at the Bar. Dutiful sons, to whom the parents they love look for maintaining the honour and upholding the fortunes of the family, neither waste their hours in idleness, nor their means in self-indulgent pleasures. Copley took high honours at Cambridge and brought away from it a brilliant reputation. Yet it has been often said, that if he were able, which was doubtful, to write the accustomed Latin letters of the travelling bachelor, he was too indolent to have taken the trouble, and that he got his friend Legh Richmond to write them for him. When called to the Bar he had not a friend among the attorneys to give him a brief. Yet he made his way there, in the only way he could make it, by proving himself a sound lawyer and a dexterous

advocate. Idle, ease-loving? Can we recognise these epithets as true of the man whose watchful parents saw him to be unremitting in the exacting studies required to qualify him for distinction in his profession, or in the self-denial which appropriated all that could be spared out of his scanty earnings to maintain them in comfort?

Copley's manner of working, we can well believe, was not that of the mechanical plodder, the "multo agendo nihil agens" of Phædrus, evermore bent over his books, who rarely stirs abroad, and, when he does so, wears the solemn and preoccupied face of a man overburdened with thought and the perplexities of fine points of law. His mind was of that bright and subtle order, which penetrates through the tangle of unimportant details to ruling principles. He would learn more in an hour than other men learn in days. His memory served him so well, that he could dispense with the notebooks and memoranda on which men less happily gifted find it necessary to depend. Dullards seeing the absence of these would be sure to conclude that he had not got up his cases thoroughly. His very air and bearing, handsome, self-possessed, elastic, would lead such men to conclude that this man took his work with easy indifference. He was not one, moreover, whatever anxiety might be at his heart, —and we have seen that he had many anxieties,—to let the world know that he "showed more mirth than he was master of;" and the envious or commonplace people, who knew him but on the outside, were probably apt enough to judge of what he was by themselves, and to think that the man on whom life seemed to sit so easily was given to idleness, to pleasure and to self-indulgence.

Copley from this time onward was full of work,

and he did it well and thoroughly, as a gentleman might be expected to do who was alive to what was due not only to his own reputation, but also to those who entrusted their interests to his keeping. The goal of great distinction was now clear before him, and he was not likely to slacken in his resolve to reach it. One instance will suffice to show how earnestly and conscientiously he dealt with his cases.

In an action, Boville *v.* Moore and Others, tried in March 1816 before Chief Justice Gibbs, for infringement of the patent for a spinning jenny for the manufacture of lace, Copley was engaged for the defendants, lace manufacturers in Nottingham. The case was one of great importance, and Copley, finding that he could not, from the descriptions of the machines contained in his brief, fully understand the points on which it turned, took the mail for Nottingham one Saturday evening, and, presenting himself at his client Mr. Moore's house next morning, requested to be shown the machine at work. Delighted to find his counsel animated by so great an interest in the case, Mr. Moore took pains to explain the principle of his machine, possibly with an amplitude of detail somewhat superfluous to a practised student in mechanics like Copley. Copley listened patiently, but with a seeming air of listlessness and without saying a word. Mr. Moore went on with further explanations. Still Copley listened, but made no sign. At length, exasperated at what he thought to be either indifference or stupidity in his hearer, Mr. Moore stopped with the exclamation, "What is the use of talking to you? I have been trying this half hour to make you understand, and you pay me no heed!" "Now, listen to me!" replied Copley, who meanwhile had been thinking out the points of resemblance and

difference between the machine before him and that from which it was alleged to have been borrowed; and then going into the whole question, he showed such a mastery of every technical detail that Mr. Moore confessed himself fairly astonished. He was still more astonished when he found that Copley, bent on making himself master of the working of the machine by actual experiment, took his seat at the frame, and before he left it, turned out an unexceptionable example of bobbin net lace.

Armed with the knowledge thus acquired Copley returned by that evening's mail to London. The result showed that his hurried visit to Nottingham had not been made in vain. Moore's defence to the action rested chiefly on the ground that Boville's, or rather Brown's, machine (for he claimed as the assignee of a patent granted to a Mr. Brown), was in all its most important features merely the spinning jenny invented several years before by Mr. Heathcoat, and that his patent was invalid, because Brown had included in his specification not only his additions to Heathcoat's machine, which were admittedly improvements, but also the machine itself. Copley's speech is given at length in Davies's Reports of Patent Cases (London, 1816), pp. 361 *et seq.* His description of the intricate and delicate details of Heathcoat's machine, and of the points of difference between it and Boville's, is a marvel of lucid exposition.[1] Accompanied as his explanations were by actual working of the model in court, given, according to a well-authenticated tradition, with all the dexterity of an artisan expert in the manufacture,

[1] The difficulty of Copley's task may be appreciated, when we consider what is said of Heathcoat's machine by Dr. Ure, in his 'Dictionary of Arts,' where he speaks of it as "Surpassing every other by the complex ingenuity of its machinery. A bobbin-net frame is as much beyond the most curious chronometer, as that is beyond a roasting jack."

the effect with both judge and jury must have been great indeed. At all events Copley carried both along with him. His legal argument, as a piece of ingenious closely knit reasoning, was upon a par with the exquisite skill of his practical exposition. The verdict was given for his client;[1] and it had an effect far beyond what was originally contemplated; for, being accompanied by a statement from the jury that Boville's invention was merely a carrying out by a slight improvement of the principle of Heathcoat's machine, it was the means of securing to Heathcoat the solid fruits of his invention. "After the trial was over," says Mr. Smiles ('Thrift,' p. 50), "Mr. Heathcoat on inquiry found about six hundred machines at work after his patent, and he proceeded to levy royalty upon the owners of them, which amounted to a large sum."

This case naturally attracted much attention, and it helped materially to advance Copley's forensic reputation. Fees poured in upon him so liberally, that he was able gradually to pay off his father's debts and to establish the home in George Street in greater comfort than had been known there for many years. He now took rank as the leader of his circuit, and was recognised among his professional brethren as a man marked for distinction.

These were days in which trials at the instance of the Government for riotous outrages and combinations to upset the settled order of things occurred with painful frequency. The cessation, after the battle of Waterloo, of the war which had for more than twenty

[1] On the day the tidings of the verdict reached Nottingham, Mrs. Moore presented her husband with a brace of boys. He signalised his success by naming them, one Copley, and the other Balguy, after the counsel who had acted for him. It appears from the report, that the case at the trial was entirely in Copley's hands.

years drained the resources of the country, instead of bringing, as had been hoped, better trade and higher wages, had, on the contrary, been followed by a collapse of numerous industries which had been fomented by the exigencies of war. Large masses of men were consequently thrown out of employment, and, to add to the hardships of their condition, wet seasons and bad harvests had sent up the prices of food to an abnormal height. All classes were pinched, the capitalist no less than the artizan, and the pressure upon the poor rates became heavier than had previously been known. As ever happens under conditions of this kind, discontent grew clamorous, trading agitators found ready listeners to their fiery declamations against the inequalities of a social system in which the good things of life are inevitably distributed in unequal proportions, as well as against the restraining forces of government, by which alone society is upheld. Mingled with much extravagance and absurdity, however, there were complaints against real abuses in the political system, which called urgently for redress. The Government erred grievously in doing little or nothing to redress these abuses, or to show their sympathy with the wide-spread suffering by which the minds of the great bulk of the labouring classes were kept in a state of chronic discontent. Neither, when we look back upon the way the Government dealt with much of the prevailing agitation, is it possible to justify all the methods to which they resorted for maintaining order and depriving revolutionary agitators of their power of mischief.

A signal instance of mistaken policy was given in the course adopted in bringing to trial Dr. Watson, Thistlewood, and others, the instigators of what were known as the Spa Fields Riots. The men were in

themselves contemptible,—as their own counsel Mr. (afterwards Sir Charles) Wetherell called them, "two broken down apothecaries, a broken-down gentleman, and two cobblers." Not less so were their doctrines and the means by which they proposed to overturn the Government, as the first step towards getting their schemes of spoliation brought into play. They were practically without followers, and the facility with which the riot they provoked was put down showed conclusively how little hold they had upon the sympathies of the people, whose wrongs they professed it to be their object to redress. Had they been tried for a misdemeanour, their conviction would have been certain, and their punishment sufficiently severe to have deterred others from treading in their footsteps. The Government, however, chose to indict them for high treason, with the result that they were acquitted; while an impression was left on the public mind, that an attempt had been made by the authorities to strain the Law of Treason for their conviction in a manner for which no precedent existed.

In securing the verdict in their favour Serjeant Copley was mainly instrumental. Mr. Wetherell had been retained as counsel for two of the leaders, Dr. Watson and Arthur Thistlewood, the future head of the Cato Street Conspiracy. He stipulated as the condition of his undertaking their defence, that Serjeant Copley should be associated with him. Why he did so, no one can read the report of the trial without seeing; for in the course of it he went out of his way to express the confidence he felt in "the great legal knowledge and persuasive force" of the coadjutor whom he had selected. He might well do so, for Copley proved the wisdom of Wetherell's choice in the skill with which he handled the witnesses on

both sides, in the incidental arguments on points of law, and especially in the compact and vigorous argument which he addressed to the jury, and to which, it was generally admitted at the time, the acquittal of his clients was in a great measure due.

Determined to lose no opportunity of accusing Copley of Jacobinism, Lord Campbell cannot mention the fact that he acted as counsel for Watson and Thistlewood without coupling it with the innuendo, that he owed his employment to the fact that he was "generally understood to entertain pretty much the opinions professed by the prisoners, though with prudence sufficient not to act upon them till there should be a fair prospect of success." As if men on trial for their lives would choose by preference for counsel a man known to hold the opinions which had brought themselves within the clutch of the law, and not rather the ablest advocate they could get, and one against whom neither Court nor jury were likely to be prejudiced beforehand on account of his political creed! Or as if Mr. Wetherell, a Tory of the Tories, would have gone out of his way, as he did, to seek the assistance of a man whose opinions, if Lord Campbell's insinuations were true, he must himself have detested! For what were these opinions, as proved at the trial? These, among others: that the time had come for abolishing Monarchy; that it was lawful for those who had no means to help themselves at will to the property of those who had; that the possession of land by an individual was unjust; that all land should be held in common, and in some vague way for the people generally,[1] and that the funds

[1] This was one of the tenets of what was then called the Spencean system, which took its name from one Spence, a Yorkshire schoolmaster, and of which Dr. Watson was said to be an apostle. Observe how it is dealt with by the man who, if Lord Campbell is to be believed, "entertained pretty much the opinions pro-

of fundholders ought to be confiscated for the general good. Yet these opinions, we are gravely told, opinions which strike at the root of all property, and are incompatible with the motives and springs of action which raise men from savagery to civilization, were entertained by a man of the knowledge, experience, and matured judgment of Copley!

The trial took place at Westminster, before Lord Ellenborough, assisted by Mr. Justice Bayley, Mr. Justice Abbott and Mr. Justice Holroyd. It lasted from the 9th to the 17th of June. There were four prisoners—Dr. James Watson the elder, Arthur Thistlewood, Thomas Preston, and John Hooper. They severed in their pleas, claiming to be tried separately, on which the Attorney-General, Sir Samuel Shepherd, decided to proceed in the first instance with the trial of Dr. Watson.

The riot on which the proceedings were founded had taken place so far back as the 2nd of December previous. From the meeting at Spa Fields, where very inflammatory speeches had been delivered by Watson and others, the mob had followed their leaders through

---

fessed by the prisoners." "The principle of the Spencean system, as I understand it,"—we quote from his defence of Watson—"is not to give a certain portion of the land to each individual, but to vest the whole in the Government, in order that they may parcel it out according to a certain plan for the purpose; *a scheme more visionary and absurd, if possible, than the former.*" (Watson's Trial. London, 1817. Vol. ii. p. 350.) One of Lord Campbell's many innuendoes against Copley is, that "although he would not mix with the Radicals of the day, who were men of low education and vulgar manners, he thought they might be made useful, *and by rumour he was so far known to them that they looked forward to his patronage should they be prosecuted by the Crown for sedition or treason.*" How were Radicals to be made useful by Copley? As tools to carry out his revolutionary ideas? Useful to him at the Bar they could not be, for they were as poor as they were reckless. "Every man among them is as destitute of money as common sense," Denman writes (September 10, 1807, 'Life,' vol. i. p. 115). And if they counted on Copley's sympathy in their views, his language throughout Watson's Trial must have cured them of the delusion, if they ever entertained it, of which there is no evidence.

Clerkenwell and Smithfield to Snow Hill. There Watson's son entered a gunsmith's shop, demanding arms, and in the course of a wrangle which ensued, a pistol which he held went off and seriously wounded a gentleman who happened to be present. After this the mob entered and cleared the place of all the firearms they could find, and pushed on through Cheapside to the Exchange. Here the Lord Mayor, with the assistance of a few policemen, checked their impetuosity by arresting three of their number. Already the mob, such as it was, had decreased in force. What was left of them turned off towards the Minories and the Tower. Here they could not muster courage to face the handful of men which had by this time been got together to resist them, and began rapidly to disperse. Here and there acts of violence were committed, but in the course of a few hours the whole affair was at an end.

Of the mischievous intentions of the men who had commenced the meeting at Spa Fields, there can be no doubt. If they could have got up a revolution, that they would have done so is tolerably clear upon the most favourable view of their case. But to dignify their proceedings with the name of treason, and to call the whole power of the Government into play in order to bring them under the terrible penalties of that crime, was a mistake which Copley in his defence turned to account with admirable skill. Early in his speech he struck a note in which the Counsel for the Crown must have heard the death knell of their case.

"Gentlemen," he said, "let me turn your attention for a moment to this indictment. It consists of four charges. In point of length it is an indictment without example in the history of the country; I mean without example with respect to indictments for high treason. I have taken some pains to examine and inquire, and I have not found one which in any

degree approaches it in point of extent and prolixity. Gentlemen, Mr. Watson is charged, first, with an intention to put the King to death; secondly with intending to depose the King; then with levying war against the King; and lastly, with compassing and intending conspiracy to levy war, in order to compel the King to change his measures. It is necessary, in indictments for treason, that the facts meant to be given in evidence, and insisted upon as proof of the traitorous intent, should be stated upon the record. These are called overt acts. In this indictment they are fourteen in number, and the same overt acts are laid in respect of each charge. What does the Attorney-General then, in fact, say? I shall call upon the jury to infer from these acts—what? First that the prisoner compassed and imagined the death of the King, that is, to put the King to death; but this he feels to be too extravagant; he cannot persuade himself that the jury will come to such a conclusion; he therefore says, if they will not do that, I shall then call upon them to infer from the same facts, that the prisoner conspired to depose the King; and, if they will not do that, I shall then call on them to find still from the same facts, that he conspired to levy war to compel the King to change his measures. Gentlemen, it does, I confess, appear to me from this indictment, as if the Crown lawyers were not very confident as to any one of the charges, but that they hoped by throwing the net as widely as possible to give themselves one chance of catching a verdict.

"But let us, gentlemen, consider these different charges. The first charge to which I shall direct your attention is that of actually levying war against the King. It appears to me that that charge will involve the whole case, for, if you do not believe that war was actually levied, I think you will, upon the facts of this case, be of opinion that there was no conspiracy to levy war, for any of the purposes stated on this record. Now, gentlemen, let me ask you this plain question. You all live in this metropolis. You were well acquainted with the circumstances of this riot immediately or at least within twenty-four hours after it had taken place; you know, for they were stated in the public papers, every fact that had occurred. Did it then strike any of you, or can you now bring yourselves, as men of plain and sound understandings, to

conceive that these facts amounted to a levying war against the King, a flagrant civil war, as the Attorney-General has styled it? What amounts to a levying war may perhaps be difficult to define. It depends upon a variety of circumstances. But of this at least I am sure you feel convinced, that the circumstances which occurred in this instance do not amount to a levying of war; that in plain understanding and according to the usual acceptation of terms, it was not a levying of war against the King."

It was fortunate for Copley's client, that the Government case against him for constructive treason depended mainly on the evidence of John Castle, one of the most prominent of the rioters, who turned King's evidence against Watson and his other associates. Castle was shown, in the course of a masterly cross-examination by Mr. Wetherell, to have already saved himself twice from the gallows by becoming a witness against associates in crime, who were sentenced to death upon his evidence. He was also shown to have obtained his living by infamous means, and in various other ways to have forfeited every claim to credit. The presumption raised against him was that he had deliberately tried to entrap Watson and others into acts of a treasonable nature, and in several important particulars his evidence on some of the gravest overt acts was contradicted by the testimony of unimpeachable witnesses. Not even the strong charge adverse to the prisoner by the presiding judge,[1] weighed with the jury against the finely studied argument which Copley had addressed to them with that "luminous energy"—the

[1] "You cannot but feel," were the concluding words of Lord Ellenborough's charge, "that you have had laid before you a body of cogent evidence in proof of the design charged against the prisoner, to overset the laws and Government of the country, and to introduce anarchy and disorder in their room; and attempted to be carried into effect by means of open rebellion and force, directed and levelled against His Majesty's Government."

phrase is Lord Campbell's—which even then distinguished his speeches; and after deliberating for an hour and a half they returned an unanimous verdict of not guilty. Upon this the Attorney-General abandoned the prosecution of the other prisoners.

Lord Campbell, who heard Copley's speech, says that he did so with delight, and that he considers it "one of the ablest and most effective ever delivered in a court of justice." He pays it the highest of all compliments by adding, that on reperusing it he found "much difficulty in selecting any passage which would convey to the reader an idea of its merit." There is not in it one superfluous sentence; nor one passage that could be displaced without injury to the effect which the speaker had in view. A finer illustration could scarcely be desired of the "temperatum dicendi genus," which Cicero says is the best kind of eloquence, and which is assuredly the best where the speaker has to persuade a jury of educated men, on whose verdict hangs the life of a fellow creature. Not a weak point in the evidence against the prisoner was missed, not a false point taken, not an argument overlooked which could operate in his client's favour. Of showy rhetoric there was that entire absence which might be expected from a mind of which his friend Sir Samuel Shepherd once said, that "it had no rubbish in it." But there was a glow of impressive earnestness, which, even as we read it now, takes hold of the heart and understanding, and which could not fail to carry with it the sympathies of an intelligent jury.

It is typical of the recklessness with which the charge of indolence has been brought against Copley, that a not wholly unfriendly writer in the 'Edinburgh Review,'[1] in an article published in 1869 on Lord

[1] 'Edinburgh Review,' April, 1869, p. 562.

Campbell's Lives of Lords Lyndhurst and Brougham, tells, for the first time, an anecdote which he says he heard "from one who still survives," of Copley's want of preparation for this trial, of a kind which, if true, would have been altogether without excuse. Had the reviewer not previously committed himself to the assertion that Copley's "disinclination to labour was such as not unfrequently to endanger his success," it is inconceivable that he could have given currency to a story which a moment's consideration must have told him had no foundation in fact.

"One singular instance of this weakness occurred," he says, "according to his [Copley's] own account of the matter, at the very turning-point of his career. 'This crisis of Copley's fate' at the Bar, in Lord Campbell's opinion, was the occasion offered him by his successful defence of Dr. Watson in 1815. Lord Campbell, however, does not mention the picturesque way in which the hero of the tale himself recounted it (as we have heard from one who still survives) at a little dinner in his own chambers at the Temple in 1817, at which Jack Campbell himself made the third. Copley confessed to his guests that his prospects on that occasion were within an ace of utter ruin, and that he was only rescued by a marvellous turn of events. He had relied implicitly on his leader Wetherell's proved ability and willingness to occupy the Court for two days at least by his speech in defence; and, with the habitual indolence of his nature, put off preparing himself to follow until he should become aware of the ground over which his leader had travelled. To his horror, Wetherell, after about a couple of hours of rambling introductory talk, suddenly sat down as if he had no more to say. Perdition stared Copley in the face. He was just about to rise in utter unpreparedness, and leap into the gulf before him, when Wetherell, his eccentric fit of sullenness or desperation over, jumped up and exclaimed, 'By God, this will never do!' dashed at once into the heart of the case, declaimed *for the whole of that day and half the next*, and enabled Copley—taught by his leader's example

what to avoid as well as what to insist on—to succeed him in a speech which Lord Campbell characterises as 'one of the ablest and most effective ever delivered in a court of justice.'"

It is simply marvellous that any man of reasonable experience should have accepted such a story as this without inquiry. If it were true, Copley would have been not only the greatest of fools in his own interest, but destitute of the conscience and instincts of a gentleman, and a disgrace to the gown he wore. For it implies that in a case in which men's lives were at stake, in which he for the first time had an opportunity of making a distinguished figure—for it was a case on which the eyes of all England were turned—he went into Court to face the ablest men in his profession, both on the Bench and at the Bar, without fortifying himself for every casualty which could possibly arise. Worse stigma than this it would be impossible for his deadliest enemy to have inflicted upon him; and yet we are asked to believe that he made such a confession of his own utter want of principle at his own dinner table to at least one brother barrister! Had he done so, was Campbell likely to have forgotten a circumstance which would have so materially supported his own theory of Copley's character? His silence ought to have put the reviewer upon his guard, even if common sense had not dictated the prudence of seeing how far the story was borne out by the report of the trial, a by no means scarce work in two volumes published from Mr. Gurney's shorthand notes in 1817. There he would have found conclusive evidence that the story could not be true, and that his informant, as the hatchers of anecdotes too often are, was under a delusion. A few words will make this plain.

The trial began on the 9th of June, when the

Attorney-General opened the case for the Crown, and several witnesses were examined. The 10th, 11th and 12th were spent in examining witnesses for the prosecution, many of whom were cross-examined with great dexterity by Copley. On the 13th no fewer than twenty-two witnesses for the Crown were examined and cross-examined, so that the day must have been well advanced when the case for the prosecution was closed and Mr. Wetherell rose to speak. His speech was long, vehement, and somewhat discursive. But it is consecutive, and the argument is developed without break of any kind, except some angry sparring here and there between himself and the Bench. From first to last there was nothing that can be strained into an indication that he closed his speech, sat down, rose again and then started afresh. But, says the reviewer, when he rose for the second time he declaimed the "whole of that day and half the next." What was the fact? The speech was actually concluded on the day it began, and so far before the usual time for the Court to rise, that when Copley proposed to call his first witness, the following dialogue with the presiding judge took place:

Lord Ellenborough. "Brother Copley, will the witness you propose to call occupy any considerable time?"

Mr. Serjeant Copley. "I think his examination will not occupy a considerable portion of time, but perhaps it will be better to take all together in the morning. I do not think it will materially break in upon the day."

Lord Ellenborough. "Then we will take it to-morrow, if you please."

Next day accordingly the witnesses, ten in number, for the defence were called, Mr. Wetherell taking the burden of examining them. Then Copley spoke and was followed by the Solicitor-General, Sir Robert

Gifford, who made the closing speech for the Crown before the Court rose for the day.[1]

Compare now these facts with the story of the Edinburgh Reviewer's friend. Copley, chosen by Wetherell as his associate, was necessarily in conference with him not only during the many days of the trial but also for days before it. In the course of his speech, Wetherell, speaking "of the very able person with whom I am associated," says, "we have conferred much in private," as indeed it was impossible they should not have done. Having also heard the opening speech for the prosecution and been actively engaged for four days in cross-examination of the witnesses, Copley had all the preparation that a man of ability and experience could require to enable him, if Wetherell had failed in health, or from any other cause, at once to step into the breach, and open the case for the defence, even if the outrageous supposition were to be admitted that he had gone into Court otherwise than well prepared. But Wetherell was there. Twenty-two witnesses for the prosecution were examined on the day he was called upon to speak. The day was filled up by his speech, and there were ten witnesses to be called for the defence before it became Copley's duty to address the jury. There was not, therefore, the slightest chance of his being called upon to speak on the same day as Wetherell. What becomes, then, of the Edinburgh Reviewer's beautifully constructed story of Copley's want of preparation bringing him "within an ace of

[1] The sittings upon this trial must have been of very exhausting length. The time is not noted in the published report. They could scarcely however have taxed the powers of all concerned like the sittings on the trials of Hardy, Horne Tooke, and others, in 1794, where it appears that the Court met at nine and sat on till after midnight. On the score of Horne Tooke's health, nine P.M. was during his trial fixed as the hour for adjournment.

utter ruin," of his being saved by "a marvellous turn of events," of "perdition staring him in the face," of being about "to leap into the gulf before him," when his leader, by declaiming "the whole of that day and half the next," taught him "what to avoid as well as what to insist on?" And yet the reputation of the man who discharged his duty to his client, as we have seen that Copley discharged it, with consummate skill, is thus cruelly dealt with by the chronicler of what the very slightest investigation must have shown him to be a piece of absolute if not malicious fiction! But the reviewer's theory had to be supported, "that Copley was habitually indolent," that his "disinclination to labour was such as not unfrequently to endanger his success;" so fiction was adopted as fact, and published for the guidance of Englishmen in forming their estimate of one of the greatest ornaments of the Bar and Bench.[1]

So great was the interest excited by Watson's trial that, as Lord Lyndhurst mentions in the memoran-

[1] The Edinburgh Reviewer, in further illustration of his theory, says, in regard to authorship (*in loc. cit.* p. 570), that Copley was "far too indolent, even when at the Bar, to try this slow and thorny road to employment; *he never reported a case* or published a treatise." It is well known, on the contrary, that Copley published a 'Report of the Proceedings of the Committee on the Horsham Election. London: Butterworth, 1808.' He had acted as Counsel for Lord Palmerston before this Committee, but failed in securing the seat. "This," says Mr. Foss ('Lives of the Judges,' vol. ix. p. 179), "was the only book which Mr. Copley ever published with his name." Denman speaks of him as engaged in 1808 in producing 'Reports of all the Election Cases decided in the last Parliament' (see 'Life of Lord Denman.' Lond. 1873, vol. i. p. 70); but we have not been able to trace his connection with such a series of reports. The truth is, writing anything, even letters, was always a painful operation to Lord Lyndhurst. He thought he had no gift for it, and his standard of literary excellence was too high to allow him to run the hazard of producing indifferent work. His literary work was done in his speeches, in which, the late Mr. Bagehot says, are to be found "some of the best, if not the very best, specimens in English of the best manner in which a man of great intellect can address and influence the intellects of others. Their art, we might almost say their merit, is of the highest kind, for it is concealed. The words seem the simplest, clearest and most natural that a man could use. It is only the instructed man who knows that he could not himself have used them, and that few men could." ('Biographical Studies,' p. 329.) Such excellence is not attained without severe study of the best models.

dum already cited, "many of the leaders of the Opposition, Grey, Lambton and others, regularly attended the proceedings." Lord Castlereagh, Lord Campbell says, "remained in court in a state of great anxiety until the conclusion of the trial." If he did so, Mr. Copley was not aware of the fact; but it is beyond a doubt that the distinguished ability he had shown opened the eyes of the Government to the importance of enlisting him on their side.

There was much work before them of the same kind; and it would have been strange indeed, if they had not without loss of time made it impossible for future Watsons and Thistlewoods to secure his services. Accordingly he received the Government retainer, and on the next state trial—that of Brandreth, Turner and others, in October 1817, at a special assize in Derby—he appears as one of the most formidable array of counsel that was ever banded together for a criminal prosecution. They were ten in number, with the Attorney and Solicitor General at their head, while the prisoners were represented by Mr. Cross and Mr., afterwards Lord, Denman.

Not even Mr. Copley's skill and eloquence could have availed to secure an acquittal for Brandreth and his associates. Their avowed object was to overturn the Government, and the way they set to work to do so, intrinsically absurd as it was for such an object, brought them so clearly within the charge of "levying war against the King," that escape was impossible. Brandreth, a poor maker of ribbed stockings known as "Derbyshire Ribs," driven to despair by the ruin of his trade, was a man endowed with such force of character and courage as gave him a predominating influence over his fellow men,—so much so, that his counsel, Mr. Denman, in the course of his defence of

two of his co-conspirators, Turner and Ludlam, rested his case chiefly upon the fact that they had been constrained into following him by the commanding energy and vigour of the man. In the case of Ludlam, Mr. Denman, in enforcing this view, had recourse to Byron's famous description of Conrad, the hero of "The Corsair,"[1] then familiar in everybody's mouth, as giving a portrait of him "as minute, as accurate, as powerful as if the first of painters had seen him in his hour of exertion and had then hit off his likeness." Brandreth was without education and so poor that he had even been in receipt of parish relief; but there must have been something more than common about the man of whose sway over the starving operatives who followed him it could be said,—

> With these he mingles not, but to command;
> Few are his words, but keen his eye and hand:
> His name appals the fiercest of his crew,
> And tints each swarthy cheek with sallower hue;
> Still sways their souls with that commanding art,
> That dazzles, leads, yet chills the vulgar heart;
> What is the skill that thus his lawless train
> Confess and envy, yet oppose in vain?
> What should it be, that thus their faith can bind?
> The power of thought, the magic of the mind!
> * * * * * *
> No giant frame sets forth his common height;
> Yet, on the whole, who paused to look again
> Saw more than marks the crowd of common men.
> They gaze and marvel how, and still confess
> That thus it is; but why, they cannot guess.
> There breathe but few, whose aspect could defy
> The full encounter of his searching eye.[2]

Misery had driven Brandreth and his associates to despair, and they answered to his appeal, made to

[1] The 'Corsair' was published in 1814.

[2] Mr. Denman goes on to quote the rest of the description, which speaks of "the laughing devil" in Conrad's sneer, and how, when "his frown of hatred darkly fell, Hope withering fled, and Mercy sighed Farewell,"—a piece of very questionable tactics, considering that Brandreth, although by this time found guilty, was his client, and was still awaiting sentence.

them in sorry enough doggrel to "turn out and fight for bread." Some five hundred of them, who were in the secret of his plans, were got together in Derbyshire on the 9th of June. With Brandreth at their head they compelled numerous householders to give up their firearms. Brandreth shot and killed a man who refused to yield to their demands. Armed with pikes and whatever other weapons they could muster, they marched upon Nottingham. There they found themselves waited for by a body of yeomanry, which had been hastily mustered to oppose them. Seeing further advance to be hopeless, they threw away their weapons, and dispersed in all directions.[1]

In the unsettled state of the country, with people preaching revolution and anarchy in all quarters to men suffering from want of work and all its consequent distresses, it was necessary to strike strongly and sternly at the ringleaders of a movement that might have been attended with very serious consequences. The proof of their guilt was irresistible, and, in charging them with high treason, the Government ran no chance of encountering the same defeat as in the case of Watson. But they certainly seem to have brought an unnecessary weight of forensic ability to bear upon the trial of these miserable men. The fact that Copley now appeared for the prosecution,—Copley, who had more than once defended the Luddites with success, whose recent triumphant defence of Watson had gained him such repute, that the populace of London had been wearing ribbons at their button-holes, stamped with the words, "Copley and Liberty," was an incident of which Mr. Denman did not fail to make use in addressing the jury for Turner, one of Brandreth's

[1] Shelley, in his 'Address to the People on the Death of the Princess Charlotte,' makes some striking comments on the fate of Brandreth and his companions. (Forman's 'Shelley,' vol. vi.)

confederates. "On what principle of fairness," he asked, "were these unfortunate prisoners deprived of that bulwark which they had found in the talents, the zeal, the eloquence and the useful experience of my learned and excellent friend Mr. Serjeant Copley? Why was he to be brought for the first time into the service of the Treasury, for the prosecution of persons so insignificant? Why, but because he had been the victorious champion of the rights and liberties of the subject upon a former occasion, and therefore was now to be silenced, and prevented from rendering the same services to those who stood so peculiarly in need of his assistance?"[1] The point was a perfectly fair one to make as against the Government. It was probably taken up strongly at the time by the sympathisers with the popular party, and made use of to justify the imputation against Copley, that he had deserted his principles and gone over to the enemy's camp from sordid motives of self interest. Generosity is never a characteristic of political party warfare, and never was it less so than in those days, when the rancour of the Opposition was embittered by the apparent hopelessness of a triumph for their party.[2]

No skill could have prevented the Government from obtaining the verdict against Brandreth and his associates which they sought. The four ringleaders of the movement were found guilty by the jury, in each case after only a few minutes' deliberation. On this the other prisoners pleaded guilty. Brandreth, Turner and Ludlam were executed at Derby on the 7th of November. Various degrees of punishment, varying from transpor-

[1] See vol. ii. p. 491, of 'The Trials of Jeremiah Brandreth and Others for High Treason. Taken in Shorthand by William Brodie Gurney. London, 1817.'

[2] Which gave rise to the well-known lines,—

Naught 's constant in the human race,
Except the Whigs not getting into place.

tation for life to imprisonment for one year, were inflicted on the others. The effect of this conviction was most salutary, and combined with an improvement in trade and a fall in the price of bread in the following year to restore comparative tranquillity to the country.

Some time after Brandreth's trial Copley received a message from Lord Liverpool through a common friend, asking whether he would like to come into Parliament. The suggestion was made without condition or stipulation of any kind, and this doubtless because it was perfectly well understood that the general tenor of Copley's political views was by no means likely to throw him into the ranks of the Opposition. No Government, especially in those times of fierce political excitement, would have gone out of its way to bring into the field of Parliamentary warfare a man of Copley's intellectual powers, unless they felt sure of his support to their general policy. At all events "no pledge, promise or condition of any sort was required, offered, suggested or imposed," and the offer was after brief consideration accepted. Copley was soon afterwards returned for Yarmouth in the Isle of Wight, through the influence of Sir Leonard Holmes, and took his seat in the House of Commons in March 1818.

The words quoted above as to the way the offer of a seat was made and accepted were Lord Lyndhurst's, dictated so late as 1857. Lord Campbell, however, out of his inner consciousness evolves the statement, —for he neither gives nor could give any authority for it,—that although the seat was offered without any express condition, nevertheless it was offered "with the clear reciprocal understanding that the *Convertite* was thenceforth to be a thick and thin supporter of the Government, and that everything in the law which the Government had to bestow should be within his reach."

Having got so far as to describe a compact as having been made, of which Lord Campbell could have had absolutely no knowledge, it was an easy step to go on, as he does, with an imaginary description of the way in which Copley balanced considerations of personal interest against the odium which he would "have to encounter for what would be considered a very flagrant case of *ratting*," and of how conscience and self-respect kicked the beam, and he determined to brave the "animadversions, sarcasms and railleries which awaited him," not however until, "out of decency, he had asked a little time to deliberate." ('Lyndhurst's Life,' p. 20.)

"Although very free spoken upon almost all subjects," Lord Campbell continues, "this is a passage of his life which he always shuns, and it would be vain to conjecture whether he had any and what internal struggles before he yielded." We quote these words only to give them the strongest denial upon the authority of those who were intimate with Lord Lyndhurst to the end of his days. On this "passage of his life" he was at all times ready to speak without a shade of embarrassment, and he never spoke of it but in the one way, as a transaction which left him perfectly unfettered, which asked for no surrender of any of his political opinions, and which, on the contrary, enabled him to make for the first time a public profession of the convictions which he had long entertained. When charged by his Whig adversaries with a flagrant disregard of principle in consenting to come in for a Treasury borough, and in making common cause with the Government, it has been truly said by a writer who knew him well,[1] that, so far from shunning the topic, "he never shrank from the charge either in or out of

[1] Mr. Abraham Hayward, Q.C. See Review by him of Campbell's Lives of Lyndhurst and Brougham in 'Quarterly Review' for January, 1869, p. 14.

Parliament, whatever shape it took. His invariable reply was that he had never joined any political party, never belonged to any political society, and never made any profession of political faith, prior to his election for Yarmouth."

In the letters even of his youth we find no traces of a leaning towards extreme views on either side; his inclination indeed seems to be all towards opinions the reverse of what are called popular. Even so early as in 1796 he declares himself in direct opposition to the prevailing spirit of Jacobinism. "I have become," he writes from Boston (p. 46, *supra*), "a fierce aristocrat. This is the country to cure your Jacobins. The opposition here are a set of villains. Their object is to overset the government, and all good men are apprehensive lest they should be successful."[1] The whole tenor of his views in after years, of which any authentic record exists, points to the same conclusion. Liberal, but gradual reform had his support always, but he dreaded revolutionary changes, and he had no love for the theorists who urged them. It would certainly have been strange if he had not often expressed opinions hostile to the doctrines of "arbitrary power and passive obedience," which Lord Campbell, as we have seen (*supra*, p. 105), was not disinclined to support, but which

[1] Copley was a member of a Debating Society, called "The Academical," which met at a room in Bell Yard, between Lincoln's Inn and the Temple. Recent politics were excluded from the discussions, which were directed to Modern History and Political Economy. Brougham, Grant (afterwards Lord Glenelg) and his brother, Francis Horner, and Campbell, were members. The late Professor Pryme joined the Society in 1805, and mentions in his "Autobiographic Recollections," p. 65, that the first night he was present Copley opened the debate by moving "that the Reign of Charles the Second was favourable to civil liberty."—"This," he said, "may seem a paradox, but I care not for the character of the Sovereign, and shall dwell only upon the measures and political acts of the time." Here was a theme on which a Jacobin might easily have been eloquent; but Mr. Pryme obviously heard nothing that savoured of a revolutionary spirit, otherwise he could scarcely have failed to mention it.

must always have been distasteful to a man like Copley, himself a man of the people, and whose sympathies were naturally with the great body of the industrious masses, to whom such doctrines were abhorrent, as they were in themselves intolerable. Of no man of his time could it probably be said with greater truth that he possessed what his favourite author Horace calls the *animus rerum prudens*, taking long views of things, and following symptoms to their issues. But it needed no such fine faculty of penetration and foresight as his to have convinced him that the time had come, when resistance to the free expression of opinion, and to the rights of those on whom the existence and prosperity of the State depends to a due share in Parliamentary representation and in the raising and disposal of the taxes levied upon them, could not and ought not to be maintained. Nor was he likely to have spoken otherwise than strongly and frankly on these and kindred topics to Mr. Denman and others whom he was in the habit of meeting in the intercourse of daily life. But as the years advanced "that bring the philosophic mind," as he saw the extravagant excesses into which many of the men whose views he shared up to a certain point were prepared to push them, and considered the measures to which they were prepared to resort for the purpose of carrying their views into effect—measures that went the length of imperilling the framework of a social state which, with all its faults, was full of blessings, and in any case was the natural outcome of the history and genius of the nation—what was more natural than that he should have chosen the safer path of standing "upon the ancient ways," and of striving to make the increase of political influence in the masses proportionate to their increase in intelligence and to their stake in

the stability of the State? Such being his views—as undoubtedly they were—is he to be condemned as playing fast and loose with his opinions—he had belonged to no party, and therefore to no party could he be false—because he decided on throwing in his lot with those whose general policy seemed to him better fitted for the existing condition and exigencies of the body politic? If no change in political opinions is to be allowed to those who grow cautious with the advance of years and the growth of experience, what public man of eminence or of proved capacity for statesmanship shall escape censure?[1]

At any rate, as the writer just quoted goes on to say,

> No one who knew Copley after his entrance into public life could discern a trace, a sign, a feature of the Democrat. The Ethiopian must have changed his skin and the leopard his spots. The mind of the alleged convert seemed to have been formed in a Tory mould; all his habits of thought were Tory; and, if ever a man became a Tory from conviction, it was this man, who is accused of having pretended to become one with a view to personal advancement.

That he should be false to himself and to his own honour in order to better his worldly position was little likely to be true of the man whose foremost consideration, as we have seen, in entering on his career at the Bar was not wealth, but, to use his own words, "what is of more value than wealth, reputation and honours." (*Ante*, p. 101.)

[1] "I am no more ashamed," wrote Southey, "of having been a republican than of having been eighteen."

CHAPTER VI.

First speech in Parliament—Misrepresented by Lord Campbell—On Dissolution returned for Ashburton—Made Chief Justice of Chester—Marriage—Birth and death of daughter—Becomes Solicitor-General—His speeches in Parliament—Triumphant defence in action Macirone *v.* Murray.

COPLEY was not long in Parliament before he made his voice heard. On the 4th of May, 1818, he said a few words in a discussion on a Bill for altering the existing practice of giving rewards to witnesses on whose evidence criminals were convicted, which had been found to operate as a dangerous encouragement to informers to instigate their dupes to the commission of crimes. Copley approved of the measure, and only spoke to enter his protest against a sweeping assertion, which had been made in the course of the debate, that the old system had "been productive of great confusion throughout the country," an assertion which, if uncontradicted, would have thrown discredit on the verdicts for years of every Court in the kingdom. "He had been engaged," he said, "for fourteen years on the Midland Circuit, and had never known a single instance to justify such a statement." He was followed by Sir Samuel Romilly, who did not attempt to impugn the accuracy of this statement.

A few days afterwards (19th of May), Copley entered the lists as a supporter of the Government in the debate on the proposed renewal of the Alien Bill,

for enabling the Government to remove from the kingdom aliens suspected of intriguing against the State. This power had been originally granted in 1793, and renewed from time to time. Its renewal now, when the war with France was at an end, was strenuously opposed by the Opposition, on the twofold ground of the measure being no longer necessary, and of the danger of putting it in the power of the party in office to limit the right of asylum to political refugees—and this, it might be, at the dictate of some foreign potentate. Romilly had spoken with great warmth against the Bill; and it is significant of the estimation in which Copley's powers were held, that to him was entrusted the task of replying to so powerful and popular an antagonist. It is scarcely less noticeable, that the speech which he made called up Sir James Mackintosh to answer it.

If Copley had hitherto been, as Lord Campbell calls him (p. 21), "the professed admirer and eulogist of the French Revolution," he would scarcely have ventured to introduce himself to the House of Commons, at almost the outset of his appearance there, by denouncing, as he did in the strongest terms, the apostles of the creed of Marat and Robespierre.

"Let the House," he said, "examine for a moment, what sort of persons they were about to admit, if they rejected the Bill. They were about to harbour in this country a set of persons from the Continent who were educated in and who had supported all the horrors of the French Revolution; persons who were likely to extend in this country that inflamed and turbulent spirit by which they themselves were actuated; persons who did not possess either morality or principle, and who could not be expected to respect these qualities in this country." ["Hear!" from the Opposition.]

Among the Opposition were doubtless some who

Copley knew, had been accusing him of political apostasy. This may be gathered from the prompt and dignified assertion, in answer to this interruption, of what he had spoken being the voice of long cherished conviction. Lord Campbell was not present. But he speaks of the incident in these terms. "There seems to have been a tempest of ironical cheers from the Opposition benches, prompted by some knowledge of the antecedents of the orator. This was a very critical moment for him—but his audacity triumphed." Hansard's verbatim report of what Copley went on to say would not have borne out this statement. What, then, must be thought of the biographer who, while professing to quote Hansard, deliberately, and with the view of giving a colour to his assertion, puts words into Copley's mouth of which there is not a trace in Hansard, while he omits others which are recorded there, and which would have been equally sure to provoke "a tempest of ironical cheers"? That he has done so will presently be shown.

Lord Campbell continues his citation of Copley's speech thus:

> "I have expressed," said he, *in a calm lowered tone*, "and I will repeat the opinions *which I have deliberately formed, and which I conscientiously entertain on this question.* I am aware that these opinions are distasteful to some Honourable Members on the other side of the House, *who perhaps think that our institutions might be improved by a little Jacobinical admixture.*" [*Loud cheers and counter cheers.*]

The words in italics are Lord Campbell's own. Hansard's report merely says—"I am expressing the opinions I feel on the question, and am aware that those opinions are not acceptable to some hon. members on the other side of the House. [Loud cries of 'Hear! hear!' from all sides.]"

Unmoved by the clamour, Copley, as reported by Hansard, goes calmly on. "I will repeat that I express myself as I feel, and in doing so, I shall not be disturbed by any clamour which may be raised on the other side of the House,"—here Lord Campbell interpolates the words "*meant to question my sincerity*," although still professing to quote from Hansard, where they do not exist,—"as there is not one who knows me but is aware that the observations which I have made are the result of my conviction as to the line of conduct which ought to be pursued on the present occasion."

We continue the quotation from Hansard, marking Lord Campbell's interpolations and alterations in italics by the way:—

If no Alien Bill existed there might and probably would be an influx (*of persons whose principles and views are alarming to all who love the regulated freedom which we enjoy*) into this country of that class of persons to which I have alluded. I know that the great mass of the English population are well affected to the laws and constitution of the country (*laws of England*) but (*all in*) the House was (*must be*) aware,—and, if not, their eyes must be (*the eyes and ears of members are*) shut—that there still exist in England a sufficient number of disaffected persons (*ready*) to disturb its quiet—a set of persons who (*forming a junction with*) possessing the will to disturb the public peace, might, by such a junction as that of a set of disaffected foreigners, be stimulated to acts of outrage and disturbance. [It was known that those disaffected persons most likely to seek shelter here were men who had a natural aversion to England; persons who, from their earliest age, were impressed with a wish to overpower this country; and][1] I am not so hazardous a politician as to throw an additional quantity of combustible matter into the country, in order to see how much we can bear without exploding. I do not

[1] The words in brackets have been entirely omitted by Lord Campbell.

wish to make the experiment as to the quantity of fresh poison which may be inhaled without destroying the constitution. In 1793 similar arguments to those of the honourable gentlemen opposite had been used, but (*Parliament by disregarding them saved us from those*) the country, by not acting on these arguments, had avoided all the horrors (*which a reckless clamour for liberty had conjured up in another country*) into which they would otherwise have been plunged, as a neighbouring country had been.

Comment on a citation so grossly inconsistent with the text which it professes to quote would be superfluous. Every one knows with what severity it would have been the duty of Lord Campbell as a judge to have stigmatised the conduct of any member of the Bar guilty of importing glosses into the text of a document on which he founded,—if, indeed, it were conceivable that any member of that honourable body could have been guilty of so flagrant a breach of propriety and honour. But he had determined to show that the man who he tells us had become a renegade, because "the chance of a Jacobinical revolution had passed away" (p. 20), the man who, never having been in France till 1815, yet, he declares (p. 23), "had danced round the Tree of Liberty to the tune of *Ça ira*," was looked upon from his first entrance on the political stage as a traitor to his old convictions; and, with this view he has introduced words into the speaker's mouth which he never uttered, and omitted others which are indispensable to a fair report of what he actually said. After Copley turned upon the "ironical cheerers" no one ventured to interrupt him again, though he spoke even more strongly to the same effect; nor, when Sir James Mackintosh addressed the House in reply, did that very zealous Whig seek to cast at him the semblance of a taunt for political apostacy. On the contrary, after a sentence of warm compliment to "the honour-

able and learned gentleman's promising display of talents," he addressed himself to the task of answering Copley's argument in a way that showed how anxious he was to remove the impression it had produced upon the House.

Copley did not speak again during the Session of 1818. He was, in fact, too actively employed in his profession, and too dependent on its emoluments, to have time to hang on nightly in Parliament, in order to swell the majorities, already overwhelming, of Lord Liverpool's Government. His mother and sister's letters at this period constantly refer to his great success at the Bar, and to his unremitting toil, which seems, however, never to have deprived him of his "high and cheerful spirits." He was now head of the house in George Street, and with them whenever he was able. "I beg you," his mother writes (Nov. 14, 1818) to her daughter Mrs. Greene, "to look into the domestic scene when we are happy together, and where your brother's constant occupations do not allow much variety. He has his short dinner with us, which is the only time we have his converse. But when Chief Justices, etc. favour him, some degree of style and fashion must be attended to." The state of his fee-book was obviously not even yet such as to make the prudent mother otherwise than careful about the household expenses.

When Parliament was dissolved at the end of the Session of 1818, Copley was asked to stand for the borough of Ashburton, along with Sir Lawrence Palk. He was returned without a contest, but, as his mother writes in the letter just quoted, "some expense attends these matters, such as dinners to the constituents, etc. I was rather anxious," she adds, "for (about?) this new occupation, but must hope that it is all right,

especially as he is to be one of the great men of the country." The first indication that he was marked out for the highest honours of his profession came presently in his being appointed King's Sergeant and then Chief Justice of Chester.[1] On the 11th of February, 1819, his mother writes to Mrs. Greene:

> You doubtless have heard of the death of the late Chief Justice, who was worn out in the service, which is indeed a very arduous one. Among the changes, your brother is made Chief Justice of Chester, and King's Sergeant—the last honorary. The former carries him to the Circuit Court as Chief Justice. The pecuniary returns are rather more favourable, with less fatigue than that attending the Circuit as a barrister.

In consequence of his appointment as Chief Justice of Chester, Copley had to go through the form of being re-elected for Ashburton. This was in the second week of February, and on the 19th of March he spoke in the debate on the Bill for the abolition of Trial by Battle, which was not a party measure, and he did not speak again that session except to make a few remarks on the 10th of June in explanation of the state of the existing law during the debate on the Foreign Enlistment Bill. While he spoke he knew, what the House was not then aware of, that he had been appointed Solicitor-General, as we find his sister writing the same day to Mrs. Greene, "Before you receive this letter, my brother will be Solicitor-General.

[1] It is only necessary here to mention, as an instance of the reckless way in which Lord Campbell introduces any story which might operate to Lord Lyndhurst's prejudice, that he makes Jekyll say to Lord Castlereagh, the day after Copley's speech in the Watson Trial, "Bait your rat trap with Cheshire cheese and Copley will soon be caught." This was an old bar joke and a very stale one. Campbell admits this, but he says Lord Castlereagh "took the advice in good earnest," and he obviously means his readers to believe that this actually was the bait by which Copley was caught. Watson's Trial was in June 1817. It was February 1819 before Copley was made Chief Justice of Chester.

. . . He is obliged to work very hard—parliamentary business is a great addition to his other labours."

But in the meantime another important incident in his life had taken place. He had met, been captivated by, wooed and won for his wife a lady of brilliant qualities of mind, and great personal attractions. She was a niece of his intimate friend, Sir Samuel Shepherd, her name, Sophia Garay Brunsden, and the widow of Lieut.-Col. Charles Thomas, of the Coldstream Guards, who, six weeks after his marriage, had been killed at Waterloo. It is thus that his mother announces to her daughter in America this important innovation on the old home arrangements:

London, March, 25, 1819.

I feel you will be not a little surprised, if it has not already reached you, at the intelligence which this will convey. You, perhaps, with many other interested friends of your brother, may have decided that he was to remain a bachelor. This, however, will acquaint you that he has recently taken to himself a wife. Like many others, when this important event has been delayed, he has made a quick transit, so that when I last wrote, I did not know his intention, if he had then such a change in contemplation. In short, he has taken all his friends by surprise. He has been married about ten days.[1] We were not acquainted with this new friend previous to the marriage; she has been a resident in the country. I am happy to say that, from the recent intercourse with her, she has the appearance of possessing everything estimable and interesting in character, and I am certain you join with me in ardent hopes that all farther intercourse may produce and cement happiness to this dear and valuable friend, which cannot fail to give comfort to me. . . .

The lady is between twenty and thirty, very pleasing and elegant in appearance. My son, with his new wife, set out upon the circuit to go through the duties of his late appointment of Chief Justice of Chester, and will be absent for a month. . . .

[1] He was married on the 13th of March, 1819.

Lord Campbell allows (p. 23) that in the performance of these duties "he displayed those extraordinary powers and qualities which might have made him the very greatest magistrate who has presided in an English Court of Justice during the present century,"—did make him such, was the verdict of all his great compeers, his self-appointed biographer excepted. But he continues:

"Admired and praised by all who saw and heard him, clothed in scarlet and ermine, Copley cared for none of these things"—none of what things? "scarlet and ermine," and "extraordinary powers and qualities" have alone been spoken of—"and he was impatient to finish his business in Denbighshire, Flintshire and Cheshire, that he might get back to St. Stephen's, to prosecute his ambitious schemes, for which the times seemed so propitious. His name is now to be found in the list of the Ministerial majority in every division, *and he could be relied upon in every emergency of debate,* doubtless saying to himself, 'The sailor who looks for high salvage and prize money must be ready to go out in all weathers.'"

This is said of the man who, so far from taking a prominent or obtrusive part in the debates of the session, spoke only a few sentences during two unimportant discussions!

It was different, as will presently be seen, when he appeared as Solicitor-General in the next session of Parliament, and when he took the share of the legal work of the Treasury Bench, which was expected from a man of his predominating powers.

His marriage made some changes necessary in his home. He provided a new house for his mother and sister at Hanwell, eight miles from London, which also served as a summer residence for his wife and himself, his mother and sister going back in the meantime to George Street. This arrangement lasted for many

years; and at his busiest times, it appears from his mother's letters, when "he could catch a few hours, he embraced the opportunity to be with her by running down to Hanwell.[1] In January 1820 the birth of a daughter came to gladden the family circle; but in a few weeks (March 12) his mother writes to Mrs. Greene to tell her that "the dear delight" was taken from them, "which we had fondly called our own, and which we hoped to enjoy for future comfort," the child having died of convulsions, when three weeks old.

"Your brother," the old lady adds, "being greatly occupied with his business, and his wife having no near connections, you will naturally suppose that Mary and myself have been called to much attention. They do not feel happy to have us leave them, and while I remain well for an *old woman*, it is pleasant to be together. . . . It is the ardent desire of my heart to contribute what is in my power to the ease and comfort of my son. You cannot form an idea of the occupations of his mind and time."

The mother's feeling was fully reciprocated by the son. Copley's devotion to his wife in no measure altered the old home affections which had hitherto bound him so closely to his parents and his sisters. No jealousy was ever shown by his wife, and to the end the happiest feeling existed between the two households.

Copley's position at the Bar had designated him for the appointment of Solicitor-General whenever a vacancy arose. He was in great practice, and was daily proving himself not only armed at all points with

[1] Six years later, on May 26, 1826, Miss Copley writes from Wimbledon, where Copley took a house, after leaving Hanwell, "My brother bears his hard work wonderfully, and is never so happy as when he can steal a few hours to run down to us; but he always brings his work with him."

knowledge of the law, but able to bring this knowledge to bear with the disciplined force of an intellect of unusual subtlety, aided by a rare faculty of terse, luminous expression. A good description of what he was at this time is given by no friendly critic, the author of a work published in 1819, called 'Criticisms on the Bar.'

"I hardly know a man at the Bar," he writes, "who avails himself so often of the advantage afforded by a liberal education, and by reading which has not been confined to law. He is more than a lawyer, and apparently well read not only in the historians, but in the poets of his country, so that at Nisi Prius he shines with peculiar brightness. He seldom offers anything that is frivolous or unnecessary, or that does not mainly conduce to the point at which he is aiming. His periods are formed not only with correctness, but with great nicety and exactness. His sentences are frequently long, but they are not involved in parentheses, and are always complete, well constructed, with due relation and proportion of parts, and not by any means deficient in variety."

This testimony is fully borne out by Copley's reported forensic speeches. It is easy to imagine how greatly their charm must have been enhanced by his handsome presence and fine voice, and by that perfect courtesy to both Bar and Bench, which, even by the admission of Lord Campbell, "made him popular with all branches of the profession of the law." The same charm, heightened by dignity of bearing and frank courage in debate, was felt in his appearances in the House of Commons. "His gait there," says Lord Campbell (p. 24), "was always erect, his eye sparkling, and his smile proclaiming his readiness for a jest."

The opening of the Parliamentary Session in November 1819 found parties under the influence of passionate excitement. The country had continued to be kept in a state of political ferment by men of

extreme views, who, taking advantage of the prevailing feeling that the time had come for radical changes in the representation, did their utmost to disseminate revolutionary doctrines, and to inculcate the necessity of a resort to force for the overthrow of Government.[1] The people were drilled in large numbers, and the well-affected throughout the country were suffering all the uneasiness and apprehension which the fear of some great outbreak was calculated to produce. Reform meetings had recently been held at Birmingham, Leeds, Stafford and elsewhere, at which very violent language had been used. The leaders of the Radical party had followed these up by organising a meeting to be held on the 16th of August at a place called Peter's Fields, then a suburb of Manchester, but now built over, and forming part of that city. It was to be presided over by Hunt, the ostensible leader of the Radicals, a speaker who had again and again preached disobedience to the law, and whose oratory was of the kind well calculated to rouse the passions of a mob. In anticipation of a dangerous outbreak, special constables had been enrolled, and the Lancashire and Cheshire Yeomanry had been called out to support a body of Hussars then quartered at Manchester. The magistrates had determined to arrest Hunt and to dissolve the meeting, which had drawn together from 50,000 to 60,000 people; but their Chief Constable found this to be impossible, in consequence of the resistance of the crowd. The yeomanry and troops were then summoned, and were ordered by the magistrates to disperse the meeting. They did so. Hunt surrendered

[1] Here is a specimen of the language which was quite commonly used at public meetings. "The parliament had forfeited its claim to obedience—the prince had forfeited his claim to allegiance. Charles and James had been, one beheaded, and the other exiled, and the present sovereign must meet with the fate of one or the other."—Hansard, vol. xli. 168.

to the magistrates' warrant, and the meeting came to an end. But the charge of the military upon the crowd had been attended with loss of life and much personal injury to men, women and children, and the popular indignation stamped the proceedings by the name of "The Massacre of Peterloo."

When Parliament met, the angry emotions which this affair had excited had in no degree cooled down. The Government had publicly announced their approval of the action of the Manchester magistrates. A large and influential section of the Whig party were in accord with them in thinking that no undue severity had been used in putting a stop to the proceedings of Hunt and his followers. "The Radicals," Lord Brougham writes to Earl Grey (24th of October, 1819), "have made themselves so odious, that a number even of our own way of thinking would be well enough pleased to see them and their vile press put down at all hazards."[1] But the resort to military force, in the absence of any riotous overt acts, was denounced by another section of the Opposition as an unwarrantable and dangerous interference with the right of public meeting. An amendment to the Address in answer to the Prince Regent's speech at the opening of the Session, giving effect to their views, was moved by Mr. Tierney, and gave rise to an animated and protracted debate,—now chiefly interesting from its having led to one of Canning's finest speeches,—which ended in the Address being carried by a majority of 231 in a House of 531 members.

[1] 'Lord Brougham's Memoirs,' vol. ii. p. 348. In the same letter occurs the following significant comment on the mischief occasioned by the encouragement given to the Radicals by certain leading men of the old Whig families—"I question if the present overt acts of violence would have been attempted, but for the late crotchets of some of our friends, and I heartily hope Morpeth and the Cavendishes may *now* be cured of them."

Copley, now Sir John Copley, spoke during the debate. In the course of his speech he animadverted in indignant terms on some words which had fallen from Mr. Scarlett, who had previously spoken, in which he had stated that an impression had gone abroad that the Ministers were determined to put down meetings for redress of grievances by force of arms, and hinted "that the legal advisers of the Crown might have been the cause of this determination." This drew from Mr. Scarlett the explanation, that he had not intended to make such a charge. "From all he had known of his honourable and learned friend," he said, "he believed him incapable of such conduct, unless, indeed, his opinions had lately undergone a very material alteration." Lord Campbell, in quoting these words, emphasises them by italics, as if they implied a reference to some change that had actually taken place in Copley's political opinions. This construction is surely in no way warranted by the words. The love of constitutional privilege is not confined to what is called the Liberal party; but would any man of ordinary experience, however deeply he might venerate the right of public meeting, and however warmly he might at any time have advocated that right, stand up for its exercise for mischievous purposes, and under conditions calculated to result in riot and confusion?[1]

It was in this Session that the measures which came

[1] It is to be noted that both Denman, and, according to Lord Campbell, Scarlett, mention that Copley was called "Jacobin." In no other quarter have we been able to trace the use of the epithet. In a conversation reported by Campbell in a letter to his father of the 10th of March, 1821 ('Life,' vol. i. p. 396), Campbell reports himself as having said to Copley, "Had you come into the House on the popular side, what a firebrand you would have been!" on which Scarlett remarks, "He would have retained his name of Jacobin Copley." To which Copley rejoins, "*That is a calumny lately invented.*" Scarlett: "It is the name I well remember you being called by before you went over." We see, however, how Copley himself dealt with the imputation.

to be known as "Castlereagh's Six Acts" were passed. Like all measures of a stringent character, to which a Government feels bound to resort, in fulfilment of its primary duty of maintaining the public peace and security to life and property, they incurred at the time no small amount of public obloquy. But the large majorities by which they were passed cannot be regarded otherwise than as showing that they were viewed by the bulk of the nation as necessary in the circumstances of the time. One of them, the Training Prevention Bill, has retained its place on the Statute Book, and another, the Misdemeanours Bill, is admitted by Mr. Walpole ('History of England, vol. i. p. 518) to have been "in its ultimate shape a beneficial reform." With the other four, which were directed against blasphemous and seditious libels, incendiary political journals, seditious meetings, and the acquisition of arms for seditious purposes, modern legislation has found itself able to dispense in Great Britain, because of the wholesome changes in the state of the press and of public feeling. But, however undesirable in themselves, and unsuitable to a state well ordered in its people, as well as in its laws, it is simply absurd to say of them, as Lord Campbell does (p. 28), that "while they were upon the Statute Book the constitution was suspended, oral discussion was interfered with not only at county meetings, but in debating clubs and philosophical societies, and no man could venture to write upon political or theological subjects except at the peril of being transported beyond the seas as a felon. . . . For a time we could not be said to live in a free country."

"These acts," Lord Campbell adds, "were carried through the House of Commons by Copley." It would have been no discredit to him had this been so. The

proceedings of the Radicals were then, says Lord Brougham ('Memoirs,' vol. ii. p. 345), "bad enough to make reflecting men consider that the time was come for taking some steps in support of order." For every one of the Government measures Copley was able to advance reasons which were to his mind sufficient, and which were moreover approved by the general verdict of public opinion at the time.[1] But it is simply not the fact that Copley carried these measures through the Commons. On the contrary, he did not even speak upon three of them. It is no doubt true, that in the course of his speech on the Seditious Meetings Prevention Bill (December 2, 1819), which was the first introduced, he explained in general terms the scope of the series to which it belonged. But this is a very different thing from carrying the measures through the House. The charge of them was undertaken by Lord Castlereagh himself, and the burden of carrying the Seditious Meetings Prevention Bill through the committee, it appears from Hansard, was entirely undertaken by the Attorney-General, Sir Robert Gifford.

The unexpected indisposition of Gifford, whose duty it was to explain to the House this measure and the series of which it formed a part, threw this task upon Copley, who only learned what had happened on coming down to the House. He states this explicitly in the beginning of his speech.

[1] Observe what is said by Lord Grey in writing to Lord Brougham (August 25, 1819), a few days after the affair at Manchester. "Nothing could be more unjustifiable than the conduct of the magistrates in employing the military as they did. Whether this will be the feeling of the country remains to be seen; if not, the consequences may prove most fatal to the freedom of the country; and this indeed is one of the most mischievous effects of the proceedings of the Radicals, that by abusing popular privileges they establish precedents for abridging them." ('Lord Brougham's Memoirs,' vol. ii. p. 342.)

"In undertaking," he said ('Hansard,' 41, 596), "the duty which I am about to perform, I must request the indulgence of the House. It is a duty which, in consequence of the absence of my honourable and learned friend, has been suddenly cast upon me *since I came down to the House;* and I must entreat the indulgence of the House with respect to the manner of my performing it. Of course, I am familiar with all the details of the measures in question; but it is a very different thing to be acquainted with these details, and to be prepared suddenly to unfold them with the distinction and precision so desirable on such an occasion. I will endeavour, however, to discharge the task which has fallen upon me with as much simplicity and clearness as I can command; and to explain the nature and character of the measures which it has been deemed advisable to recommend to Parliament, for the purpose of meeting the extraordinary dangers with which the country is menaced; dangers, which in my opinion, there is a great disposition on the part of the many honourable gentlemen opposite to underrate."

With admirable clearness and brevity, Copley then developed the scope and object of the various measures, and concluded with words, the full force of which can only be understood by those who have made themselves familiar with the state into which the country had been brought by the men who "meant licence, when they cried liberty."

The gentlemen on the other side were always advising the Ministry to try the effects of conciliation. There was every disposition on the part of Ministers to conciliate the honest, the well-disposed, and the loyal. There was no disposition to exercise coercion on them; and, instead of being a coercion on loyalty, the system is calculated to protect all who deserve protection from the designs of men who have sworn to overturn the constitution, and who, if they succeed, will soon be themselves involved in the general destruction. But how are Ministers to conciliate these Reformers, who are drawing the sword against them? They are not men to be conciliated.

To offer conciliation would be to succumb—would be to give a triumph to the disaffected, and an encouragement to them to rally round the banners of sedition.[1]

In a man of Copley's powers it was not extraordinary that he should have accomplished with complete success the task thus suddenly thrown upon him. He might have been spared, one would have thought, the accusation of having been guilty of the contemptible baseness of saying what was not true, when he told the House that he had come down unprepared for such a contingency. Nevertheless Lord Campbell, who could not possibly have any special information on the subject, does not hesitate to make this charge. "Gifford," he says, "having in his youth professed Liberal principles, had not nerve for heading the encounter; and therefore the expedient was resorted to of the Solicitor apologising for coming forward as leader to explain and support the Bill in a very elaborate speech, by pretending that the task unexpectedly devolved upon him from the sudden indisposition of his colleague, which he had only heard of since he came into the House."

It is a trite observation, that men's characters are revealed in the way they judge of other men's actions. In advancing a charge of this kind, the man who makes it writes his own bitterest condemnation. The attack upon Gifford was wholly unwarranted. In the subsequent stages of the Bill he took the labouring oar, and showed no want of nerve in fighting its clauses point by point.

Before leaving the Six Acts, Lord Campbell takes another opportunity of misrepresenting one of the very few appearances of Sir John Copley in Parliament at this

[1] Recent experiences in Ireland of the fruitlessness of conciliation under somewhat similar conditions are brought forcibly to mind, as we read these words.

time. "In a debate," he says (p. 30), "on what was called 'The Blasphemous Libels Bill' the Marquis of Tavistock alluded to the manner in which the Solicitor-General in his former, *perhaps he might call them his less prudent days*, had indulged in expressing his feelings." The Marquis of Tavistock, according to Hansard, did not use the words in italics which are here put into his mouth. He merely said, in reference to Copley's speech on the Sedition Meetings Prevention Bill, that he had some recollection of a time when Copley "was accustomed to treat similar topics in a very different tone." Copley lost not a moment in grappling with the assertion.

"I would ask the noble lord," he said, "on what grounds does he bring charges against me for my former conduct? . . . I have never before the time of my entrance into this House belonged to any political society, or been in any way connected with politics; and even if I had intended to connect myself with any party, I confess that, during my short Parliamentary experience, I have seen nothing in the views, *the policy or the conduct* of the gentlemen opposite to induce me, *as a true friend of the constitution*, to join them."[1]—'Hansard,' 41, 1438.

Lord John Russell, in the preface to the sixth volume of his Life of Moore, tells a good story of a *mot* of Sir James Mackintosh upon this occasion. "I remember," he says, "sitting by Mackintosh, when a great lawyer, disclaiming from the Treasury Bench all participation in the opinions of the Liberal party, said, 'I could see nothing to tempt me in the views of the gentlemen opposite.' 'For *views* read *prospects*,' whispered Mackintosh to me." Out of this very mild specimen of Mackintosh's faculty of "tart reply," in

[1] Lord Campbell, again professing to quote from Hansard, omits the very important words in italics, which are given in Hansard.

illustration of which Lord Russell quotes it, Lord Campbell constructs the following portentous paragraph:

> This harangue was delivered from the Treasury, Bench, and was received with derision by the Whig leaders to whom it was addressed. At the conclusion, Mackintosh whispered to Lord John Russell, who sat next to him. "The last sentence, with the change of one word for a synonym, would have been perfectly true. But, instead of quarrelling with our *views*, he should have said that he did not like our *prospects*.

This quotation serves well to show, not only how the biographer of the Chancellors could "mar a good tale in the telling," but also how little reliance is to be placed on his candour in the use of materials. Mackintosh's remark was perfectly fair as a passing joke, for the prospects of office, that Elysium of Whig dreams, were at this time blank indeed. But does it warrant the statement that Copley's words, which included "policy and conduct" as well as "views," were "received with derision?" No one, at any rate, ventured to take up the glove which Copley had thrown down, and many years elapsed before the charge against him of inconsistency was publicly renewed, when it was again as quickly and boldly met and silenced.

At this time all London was talking of a brilliant success which Copley had achieved a few days before (Dec. 10, 1819) in a trial before Chief Justice Abbott and a special jury in the Court of King's Bench. An action, in which the damages were laid at £10,000, had been brought against Mr. John Murray, the well-known publisher, by Colonel Macirone, in consequence of some severe animadversions on his conduct which had appeared in the 'Quarterly Review' (No. xxxvii.) in the course of a review of Sir Robert Wilson's

'Sketch of the Military and Political Power of Russia.' Colonel Macirone, an Englishman, had been in the service of Murat, while King of Naples, and had acted as his aide-de-camp. He had remained in his service after Murat became actively engaged in hostilities with Austria, then acting in alliance with England. After the fall of Napoleon at Waterloo, Macirone had been employed on behalf of the Duke of Otranto to conduct negotiations with the Allied Armies for the surrender of Paris. At a later date he had corresponded, on the part of Murat, then a fugitive in Corsica, with Prince Metternich, who, on the part of Austria, consented to grant Murat an asylum in the Austrian dominions upon his agreeing to abandon his claim to the throne of Naples. A passport to enable Murat, if he accepted these conditions, to proceed to Trieste, was entrusted to Macirone. With this he went to Ajaccio, and saw the King, who indignantly declined the proposal. Murat was then, in fact, on the point of sailing for the mainland with an expedition, bent on endeavouring to regain his throne. Macirone knew this yet he delivered the passport to Murat. He had moreover deliberately misled Captain Bastard, the commander of a small English squadron which had been stationed at Bastia, to intercept Murat in the event of his embarking in such an expedition. The consequence was that Murat got such a start of Bastard that he was able to land in Italy without interruption. He was soon afterwards defeated and taken prisoner. He tried to use the passport he had received from Macirone to effect his release, but in vain, and he was subsequently tried and shot at Pizzo (Sept. 1815).

The reviewer had spoken of Colonel Macirone in no very measured terms. "For Murat," he had said,

"we cannot feel respect, but we feel very considerable pity. Of Mr. Macirone we are tempted to predict that he has little reason to apprehend the honourable mode of death which was inflicted on his master. His vocation seems to be another kind of exit." It is characteristic of the temper of the times that an issue, which might have been thought to lie only between Macirone and his reviewer, was taken up as hotly by the opposing political parties as if their own dearest interests were at stake. Macirone was obviously a stout adherent of the Radical party; and to this cause it is no doubt due, that much of the speech for the plaintiff is occupied with invectives against the party of which the 'Quarterly Review' was the advocate, and which is spoken of as "a faction rioting in all the insolence of power."

On the Bench were seated the Duke of Wellington, Lord Liverpool, and other leading statesmen, who had been subpœnaed as witnesses for the defence. To what effect cannot now be known, for the astuteness of Copley made it unnecessary to call witnesses, and at the same time shut out the plaintiff's counsel from the advantage of a reply. With singular lack of foresight, Mr. Bell, the counsel for Macirone, had quoted passages from a book published by him[1] some time before, and by so doing had made the entire book available as evidence for the defendant. Copley seized the advantage, and called for certain other passages to be read, which were all that he required to enable him to substantiate the facts above stated and several others equally discreditable to Macirone, on which he rested his client's defence.

Before Copley had completed his statement of the

[1] 'Memoirs of the Life and Adventures of Colonel Macirone.' 2 vols. London. 1818.

facts, as developed in Macirone's own book, it is obvious that the Jury had arrived at the conclusion to which he wished to lead them; but he went on to drive this conclusion home.

"Gentlemen," he said, "I perceive I am unnecessarily occupying your time, and that you have long been prepared to pronounce a verdict in this case for the defendant. I will detain you only a few moments longer. The substance of the charge as proved against the plaintiff is this. We find him a British subject, at a period when the government of Naples was at war with this country, serving as an officer in the Neapolitan army. We find him, under these circumstances, filling the confidential situation of aide-de-camp to Murat, and most clearly guilty, according both to the letter and spirit of the English law, of the crime of treason. We find him again engaged as the agent of the Duke of Otranto in a negotiation with the Duke of Wellington; we find him giving a false colour to that transaction, and labouring to show that the Allied Powers had been guilty of a gross breach of faith in the construction put upon the Convention of Paris. We find him impeaching the character of the noble duke now on the bench; attacking the Austrian government; abusing, in the most unmeasured terms, individuals of the highest respectability and character; and then, with a confidence peculiarly his own, coming into a Court of Justice to demand at the hands of a British Jury compensation in damages against a respectable individual for a fair criticism of his conduct, and an impartial review of the facts which he has himself published to the world. Above all, in this last transaction in Corsica, you find his conduct throughout marked with falsehood and treachery of the most infamous description; and I ask you, therefore, with confidence, whether it is going too far to say that a person who has conducted himself in the manner I have described, merits an exit of a different nature and less honourable than that of his former master. . . . If you are satisfied, as I know you must be, that he has been guilty of a most flagrant breach of trust, and conducted himself in a manner wholly inconsistent with his duty as an Englishman,

you will send him out of Court marked with the contempt which his conduct has deserved."

The Jury intimated at once that they were all agreed, and that the presiding Judge need not trouble himself to comment on the evidence. But this he insisted on doing as a matter of precaution. As soon as he concluded, the Jury at once returned a verdict for the defendant. An attempt was made to obtain a new trial, but without success.[1]

[1] In reviewing Lord Campbell's 'Lives of the Chief Justices' ('Edinburgh Review,' Oct. 1857, p. 456), the writer states that it was by his appearance at this trial that Copley first attracted the attention of the Government. It has been said that this passage of the 'Review' was submitted before publication to Lord Lyndhurst himself. If this were so, the fact that he allowed the statement to go unchallenged serves to illustrate the supreme indifference which he always showed about everything in relation to his own biography. In the memorandum by himself, however, to which reference has more than once been made in the text, and which was written several years after 1857, he gives the date correctly at which he was offered a seat in Parliament by Lord Liverpool. Strange that the reviewer should not have taken the trouble to refer to the report of the Macirone trial, when he would have seen that so far from being a stranger to the Government, Copley was then Solicitor-General! Here is one warning more to writers of biography to test, where it can be tested, every date and every fact before committing themselves to it.

CHAPTER VII.

Cato Street Conspiracy—Trial of Thistlewood, Ings, and others—Copley's speeches—Queen Caroline—Discussions in Parliament on her case—Bill of Pains and Penalties—Proceedings in House of Lords—Brougham's, Denman's, and Copley's speeches.

A FEW months after this time, Copley added greatly to his reputation by the appearance he made in the trial of Thistlewood and others for high treason. The agitation of the previous years by men reckless as to results, so that only the existing constitution could be destroyed and the administration of the country be thrown into the hands of the populace, had culminated in a plot of extreme atrocity for the destruction of all the members of the Cabinet, as the first step towards the desired result. At the head of this plot was Arthur Thistlewood, who, thanks in a great measure to Copley's skill and eloquence, had made a narrow escape when brought up for trial with Dr. Watson in 1817. Since then he had been imprisoned for a year for sending a challenge to Lord Sidmouth, and, on being released, he had employed himself in hatching the sweeping massacre of the Ministry of which Lord Sidmouth was a member. The Cabinet consisted of Lord Westmoreland, Lord Liverpool, Mr. Vansittart, Lord Castlereagh, Lord Bathurst, Lord Sidmouth, Lord Melville, the Duke of

Wellington, Mr. Canning, Mr. Robinson, Mr. Bragge Bathurst, Mr. Wellesley Pole, the Earl of Mulgrave and Lord Harrowby. It had been at first contemplated to assassinate them separately, upon the night of the funeral of George III., who had died on the 29th of January, 1820, the conspirators thinking the occasion would be favourable for their plans, as the greater portion of the soldiers usually quartered in London would be at Windsor for the funeral ceremony. But this line of action having been found to be attended with difficulty, it was subsequently resolved to seize the opportunity of one of the Cabinet dinners, which were held weekly during the early part of the session at the houses of the Ministers in succession, when all the victims of the intended massacre would be present, and might be struck down at once.

On the 22nd of February, the conspirators learned from the papers, that the Ministers were to dine the next day at the house of Lord Harrowby, the President of the Council, in Grosvenor Square. They at once determined to avail themselves of a chance which might not soon occur again. Some of their number, it was arranged, should watch the house; another of them was to call at the door, on the pretext of delivering a dispatch-box; hand-grenades were then to be thrown in at the dining-room window, while the body of the conspirators rushed into the house, and, having secured the servants, were to assassinate the Ministers, bringing away with them as trophies the heads of Lord Sidmouth and Lord Castlereagh in bags provided for the purpose. This done, the conspirators were then to set fire to the cavalry barracks. They hoped by this time to be joined by the "people," and with their aid to storm the Bank of England and the Tower, and to establish a

provisional government, with the Mansion House as its headquarters.[1]

Happily one of the men present, at the meeting where this plan was arranged,—one Hiden, a milk-dealer,—lost heart, and found means to put Lord Harrowby on his guard. His lordship allowed all the preparations for his dinner-party to proceed, the Ministers being separately made aware that they were not to come. As it happened, there was a large dinner-party next door at the Archbishop of York's, so that the scouts of the conspirators, seeing guests arriving, and not being quite sure of Lord Harrowby's house, were led to believe that the Government had no suspicion of their intentions; nor did they discover their mistake until it was too late to give the alarm to their confederates. These meanwhile had assembled, to the number of twenty-five, in a loft over a stable, in a small obscure street, called Cato Street, leading out of the Edgware Road, and they were engaged in arming themselves to carry out their purpose, when they were surprised by a party of Bow Street officers, who scrambled up the ladder that led into the loft. The lights were extinguished, a few pistol shots exchanged, a police officer was killed, and Thistlewood, with some

[1] In reading the insane projects of the sedition-mongers of this period, of which murder and rapine always form a prominent feature, under the colour of redressing the wrongs of the poor and establishing that equality of position and of means which in the very nature of things is impossible, the reader of Shakespeare is constantly reminded with what admirable truth and humour he has drawn the whole class in the scenes of the Second Part of 'Henry VI.,' in which Jack Cade, "inspired with the spirit of putting down kings and princes," urges on his infatuated followers by the assurance that "henceforward all things shall be in common." They are to go first "and set London Bridge on fire, and, if you can, burn down the Tower too," while all above the artizan class are to be swept off the face of the earth.

> "We will not leave one lord, one gentleman;
> Spare none but such as go on clouted shoon,
> For they are thrifty honest men, and such
> As would, but that they dare not, take our parts."

of his companions, escaped through a window at the back of the premises. Nine were taken into custody, and next morning Thistlewood was traced to the house of a friend in Little Moorfields, and captured in bed.

Eleven of the conspirators were indicted for high treason. They claimed to be tried separately, and the proceedings commenced by the trial of Thistlewood on the 17th of April. The case was opened by the Attorney-General. Copley examined the principal witness, Adams, one of Thistlewood's gang, who had turned approver. The examination was long, and he became so fatigued, after a time, that Mr. Gurney had to finish the examination. The trial lasted three days, Copley replying for the Crown on the whole case. His speech is a masterpiece of forensic eloquence. It does not press the prisoner too hardly; it is free from heat or vehemence; the evidence is marshalled and stated with consummate skill, and, while its weight is tested on strict principles, no point is lost that should rightly go to determine the verdict. As was fitting in a trial for a crime of such magnitude, and involving such serious penalties, all was grave, measured, judicial; but the facts were at the same time arranged with such clearness and coherence, that no glow of rhetoric was needed to enforce them. When dealing, however, near the close of his speech, with the argument set up by Thistlewood's counsel, that the plot had no political object in view, Copley showed to what uses he could turn at will a masculine power of oratory founded on the best models.

"This plot," he said, "it is contended, had no political object in view. Observe the language and conduct of the prisoner. The numbers at Cato Street were not so great as he had expected—they amounted to only twenty-five. He was alarmed—he was apprehensive they might desert him.

He endeavoured to inspire them with confidence. He warned them of the danger of retreating. It would prove, he said. another Despard's job.[1] Why that allusion, but because his enterprise was of a similar character? Can it be explained upon any other principle? Does it not show what was passing in his mind at the time and evince the true nature of the enterprise more satisfactorily than evidence of any other description? But to pursue this still further. Davidson" (a man of colour, one of the leaders of the plot) "is apprehended, and immediately exclaims, 'Let those be damned who will not die in Liberty's cause,' and he sings a line of the admirable ballad of the poet Burns, 'Scots wha hae wi' Wallace bled!' Does not this speak for itself in terms too distinct to be misunderstood? Does it not unfold his heart and mind to our observation, and show what was passing there at the time; what was the object of the criminal enterprise in which he had embarked; what it was for which he was then a prisoner? Assassination to be followed by plunder? No, but assassination to be followed by revolution, and the establishment of that which he miscalled liberty! And here it is impossible not to deplore the self-delusion of these misguided men, who, engaged in an atrocious design against the laws and constitution of their country, and which was to commence by the sacrifice of some of the best blood of the nation—by the murder, among others, of that distinguished individual who had led our armies to victory, and exalted among the nations of the earth the name and character of Englishmen—could suppose that they were treading in the steps of the great Scottish chieftain who, with the spirit and energies of a real patriot, laboured to free his country from a foreign yoke, and with inadequate means and resources, but animated by an unconquerable spirit, kept at bay the power of England, performing deeds of the most heroic valour, till he fell at last, a victim to the basest and most degrading treachery."—Howell's 'State Trials,' vol. xxxiii. p. 917.

[1] Colonel Edward Marcus Despard, a native of Queen's County, in Ireland, and six of his associates, were executed for high treason on the 21st of February, 1803. His plan was to kill the King on his way to open Parliament on the 16th of January previous, to seize the Tower, the Mansion House, and other public buildings, and to proclaim a provisional government.

Thistlewood's crime was so clearly established, that a quarter of an hour sufficed for the deliberation of the jury. James Ings, one of the most active and savage of his associates, was put upon his trial two days afterwards. The parts of the Crown Counsel were reversed, Copley opening the case for the prosecution, and the Attorney-General making the closing speech. Copley's statement of the case against the prisoner was given with admirable brevity. What had occurred in the previous trial having enabled him to anticipate the line of defence that would be adopted, he disposed of it in a way that must have made the task of Ings's counsel, Mr. Adolphus, a very hopeless one. "Fervid and eloquent" are the epithets applied to Copley's opening by Mr. Adolphus when he came to speak, but its fervour and its eloquence will be found by those who read it to lie in the closeness of the argument, and the persuasive force of a high-toned and tempered earnestness. The following passage has an interest for the general reader, and is a good example of the speaker's style:—

It may be said that this was a wild and visionary project, and, because it was a wild and visionary project, you will probably be told that no such project was formed. The question is not whether you or any other prudent and sober man, even if his heart would allow him, would have embarked in a design of this nature. It is impossible to examine the history of the plots and conspiracies by which any country in the world has in its turn been agitated, and not to say that, independently of other considerations, there is not one in a hundred in which any prudent men would have embarked. You will find them in general ill-arranged, wild, and extravagant, leaving everything to hazard, formed with inadequate means, like that which is now the subject of your consideration. But men become enthusiasts in cases of this nature; they are blind to the immediate difficulties; they

look to the attainment of the ultimate object, and, in so doing, overlook the impediments in their way. But let me only state one observation to you, and you will cease at once to consider that any argument can be founded on the visionary nature of this plan, when you come to apply it to the case of these particular individuals. They had considered—falsely, I know, but they had considered—that the great mass of the labouring part of the country was ripe for insurrection; they considered them as radically disaffected to the government of the country; they thought, therefore, that if they could strike this sort of stunning blow, they might at once commence an insurrection and revolt that would enable them to take possession of the government of the country. If they were right in the suspicion they had formed, that disaffection had spread so widely, and had assumed such a character, the project ceased to be wild and visionary; and it is upon that opinion, and that opinion alone, that the whole of this plan appears to have been built. But the question is not whether the project was extravagant, but whether the project was formed; and you will look to the evidence that will be laid before you for the purpose of ascertaining that fact; and however wild, however extravagant it may appear to your sober judgments, if you find it proved by the testimony of witnesses, and by the appeal to facts which cannot be perverted or denied, that such a project was formed, then however wild and visionary it may be in your estimation, it will be your duty to pronounce accordingly.

As in the case of Thistlewood, the jury, after a very brief deliberation, found Ings guilty. Three more of the conspirators, Brunt, Davidson and Tidd, were tried separately, but Copley only took an active part in the trial of Brunt, summing up the case against the prisoner. They were all found guilty, when the six other prisoners who remained for trial pleaded guilty, and threw themselves upon the mercy of the Crown. They were transported for life. Thistlewood, Ings, Brunt, Davidson and Tidd were hanged and beheaded (May 1, 1820). The revelations during

this trial, and the punishment which followed upon them, had a salutary influence in checking further attempts at insurrection and anarchy, and agitation was thenceforth conducted by legitimate means and directed towards legitimate objects of reform.

On the dissolution of Parliament consequent upon the death of George III. Copley was re-elected for Ashburton. His name appears only once in the debates of that session, and he stood aloof from the angry discussions that signalised it in anticipation of the trial of Queen Caroline, in which he was soon to take a prominent and distinguished part. It would indeed have been unbecoming in the law officers of the Crown to have joined in these debates. The issues raised in them were such as with propriety could only be dealt with by the leading members of the Cabinet. To them no task could have been more irksome and invidious. Gladly, no doubt, would they, if they could, have escaped the necessity of dragging before the public eye the miserable and disgusting scandals which were inevitable, if that unhappy lady, a Queen and no Queen, were so ill-advised as to come back to England to claim the status and privileges of royalty. They knew, what published memoirs have since made known to all the world, how unwise was the choice which had given Caroline, Princess of Brunswick, as a bride to the Prince of Wales—the first fatal step which drew after it a train of disastrous consequences. Still, whatever her faults of character and disposition might have been—and they were many—they could not but pity her for the wrongs and outrages to her feelings as a woman and a princess, which she had been compelled to undergo, and which would have unhinged many a stronger mind than hers had ever been. Her conduct since she had returned to the Continent,

even when judged with the most friendly eyes, had been indiscreet in the extreme, and such as to raise the gravest suspicion—so grave indeed that Lord Brougham, her most strenuous champion, was satisfied that she ought to have remained abroad, and accepted the terms which were offered to her as the price of her consent to do so. But her own passionate wilfulness, stimulated by evil counsel, forced upon the ministers the very line of action which they were solicitous to avoid, and left them no alternative but to introduce the famous Bill of Pains and Penalties, and so bring to the test of proof the imputations which the unseemly folly of her own conduct had drawn upon her.

The retort made by Mr. Canning to Mr. Tierney (June 22, 1820), in the debate which had been raised by Mr. Wilberforce in the hope of effecting an amicable settlement with the Queen, puts the position of the Ministry very clearly—"'Who forced you?' was the question of the right honourable gentleman," he said, "I answer, those weak and dangerous advisers who, in an ill-fated hour, induced Her Majesty to return to this country. . . . By coming over to England, the Queen has at once brought to issue a question the discussion of which the Government would gladly have avoided." Of Canning's sincerity there can be no question. The course taken by the Government had, in his view, been made inevitable by the Queen's own action. He was therefore quite consistent in passionately disclaiming, as he did, the title of her "accusers," which was applied to them. The charges against her existed through no fault of theirs, and Her Majesty had insisted they should be brought to issue. To issue, therefore, they must be brought.

Canning had himself been on terms of friendship so intimate with the Queen, that when the com-

promise failed, which Mr. Wilberforce had tried to bring about, he waited upon the King, and stated that, as he could not join in the contemplated proceedings, having regard to the confidential terms on which he had formerly stood with the Queen, it might be expedient that he should not remain in the Ministry. The King, however, after a day's reflection, set him free to remain at the head of Foreign Affairs, and to follow what course he pleased in regard to the Queen. Canning, convinced that whatever might be the result of the inquiry before the House of Lords, no divorce could be obtained, and that, unless this could be obtained, the proceedings could only result in a perilous public scandal, used all his influence with Lord Liverpool to prevent them. In this he did not succeed; but so strongly did he feel the awkwardness of his position that he went abroad, and remained away until all the discussions were at an end. "The Bill will not pass!" was his prediction from the first. It proved true, and Lord Liverpool had in the end to do, what Canning had all along urged him to do, withdraw it, because of the narrow majority by which the third reading was carried.

If the position of the Ministry, in bringing forward the Bill, was painful, scarcely less so must have been that of the professional men to whom the conduct of the case to be made in support of it was intrusted. The story they had to tell of a lady, possessed of many estimable qualities—the mother of the beloved Princess Charlotte for whom England was even yet in grief—the wife of their Sovereign—was one that must have been hateful to their instincts as gentlemen. What alone was left them to do was, to perform their duty with courtesy and fairness, pressing the evidence not a point beyond what it could reasonably bear.

To the credit of having done so, every dispassionate reader of the proceedings will, in these days, we think, regard them as fairly entitled.

The proceedings commenced on the 17th of August, 1820. Not till the 6th of November, after forty-nine days of inquiry and discussion, was the second reading of the Bill reached. It was carried by a majority of 28, 123 voting for and 95 against it. This majority, however, dwindled down to nine upon the third reading four days afterwards, upon which Lord Liverpool at once intimated that he would proceed no further with the measure.

During the inquiry the House of Lords was converted from a purely judicial tribunal, which it ought to have been, into the arena of a party struggle, carried on with unusual bitterness and vehemence. The atmosphere of prejudice and passion which prevailed outside had penetrated into the chamber of that august assembly, and men whose sole duty it was to weigh evidence and to pronounce a conscientious verdict—a verdict affecting not only the status of a Queen but the dignity of the kingdom—betrayed signs, that were too palpable to be mistaken, of preconceived opinions which neither evidence nor argument could alter. On the one side, the stability of the Ministry, and the ascendency of their party were at stake, and had to be maintained; on the other, a predetermination existed to regard the proceedings against the Queen as prompted by a base servility to the wishes of the sovereign, and to strike at him through an adverse vote upon the Bill. Owing to these causes the demeanour of many of the peers on both sides was divested of the dispassionate dignity which alone was suitable to the circumstances of the case and the magnitude of the issue.

In so far as the Bar was concerned, the contest was a battle of giants. Sir Robert Gifford, Attorney-General, and Copley, the Solicitor-General, with Dr. Adams and Mr. Parke, appeared in support of the Bill; Mr. Brougham, the Queen's Attorney-General, Mr. Denman, the Queen's Solicitor-General, Dr. Lushington, Mr. Williams, Mr. Tindal, and Mr. Wilde appeared for the Queen. With the exception of Dr. Adams they all subsequently attained judicial dignity, three of them, Copley, Brougham and Wilde, becoming Chancellors. All that ingenuity, eloquence, and zeal could do was done on both sides. The amazing energy and declamatory power displayed by Brougham were not more conspicuous than a courage which verged upon audacity, and occasionally degenerated into something very like insolence towards the tribunal before whom he stood. He seemed to have felt that he had the mass of the populace so completely at his back, that he might indulge in a breadth of invective, and in language almost of menace, on which but for the excited sympathies of the public towards his client he would never have ventured. It is now known that he was by no means assured of her innocence, and that he withheld witnesses—the Countess Oldi, Bergami's sister, and others—who would have been unhesitatingly put forward had all been clear in Her Majesty's favour, from the apprehension that they would break down on cross-examination, and discredit her case, perhaps wholly upset it. Holding these views, nothing was left for him but to heap unmeasured obloquy upon the witnesses in support of the Bill—an easy task, when they were chiefly servants who had for years taken the wages of the Queen—and to dwell upon the too well known injuries and insults which she had sustained

at the hands of one whom he treated as Her Majesty's real accuser, and of whom he spoke, in a happily selected quotation from Milton, as that impalpable shape, "whose head the likeness of a kingly crown had on." Here, and not in the spotlessness of the unhappy Queen, lay the strength of his case. As he himself says in his 'Memoirs' (vol. ii. p. 385–6), "Our strength against the Bill lay in the general demurrer which all men in and out of Parliament made—namely that, admit everything true which is alleged against the Queen, after the treatment she had received ever since she came to England, her husband had no right to the relief prayed by him, and the punishment he sought against her."

What Brougham's fervid genius could accomplish, when kindled by the excitement of a great occasion for display, was finely illustrated in his celebrated speech in opening the case against the Bill. The famous peroration, which he rewrote several times, seems overstrained almost to the point of extravagance to the critical reader of the present day, unswayed as he is by the sympathetic glow which was kindled in those who heard it by the exciting circumstances under which it was spoken, and by the electric force of the speaker's voice and manner. But it unquestionably produced a strong impression at the time, and will probably long be quoted as a specimen of splendid rhetoric.[1]

If Brougham had misgivings as to the blamelessness of his client, his coadjutor Denman had none. To him she was the innocent victim of purchased slanders. She was, to use his own singularly inapt words, "pure as unsunned snow," and he fought her battle with the

[1] Denman says of it, "The peroration was sublime. Erskine rushed out of the house in tears."

zeal of a knight of old, holding the lists against all who questioned the chastity of the lady of his love. Strong personal feeling, ever a dangerous element in a professional advocate, carried him several times in the course of his speech beyond the limits of discretion. There were in it two remarkable passages, which never should have been there, on which Denman always looked back with regret, and for one of which, as will afterwards be seen, he paid the severe penalty of a lengthened exclusion from the status of King's Counsel, a then much prized honour, to which he was well entitled on purely professional grounds.

In one of these passages Denman suffered, as people so often suffer, for listening to suggestions from without, instead of trusting to his own judgment. All the leading Whigs, the lights of Holland House, and others, seem to have busied themselves in supplying the Queen's Counsel with poetical and historical illustrations; and of those ready to prompt Mr. Denman none were more active than Dr. Parr. "He earnestly besought me," says Denman ('Life,' vol. i. p. 171), "to look into Bayle, and weave into my summing-up allusions to Judith, Julia and Octavia. The two first seemed to me inapplicable, the third flashed upon me like lightning. In a moment I resolved to make the wife of Nero my heroine, and, indeed, the parallel was perfect." It says little for Denman's judgment that he should have entertained this notion for a moment. The Queen, a woman of mature experience, of coarse, if not immodest, tastes and habits, bold and reckless to the verge of impropriety, was palpably very unfit to be named in the same breath with the innocent, blameless, virgin bride of Nero, whose tragic story has been told by Tacitus ('Annals,' xiv. 60) with more than his wonted power and pathos. Parallel there could be none, except in

the fact that slaves were suborned to slander Octavia, and to give Nero a pretext for ordering her death. But even here the comparison failed in its chief point, for there was in the Queen's story no counterpart to that of Tigellinus, no scoundrel who like him denounced himself as her paramour at the bidding of her lord. The imputation against the Sovereign implied in such a parallel was in no degree justifiable. Denman's offence against good taste did not however even stop here, for he went on to cite from Dion Cassius, lii. 13, the well-known, but to all decent ears unquotable, retort of Octavia's chambermaid to Tigellinus, and he did this in a way which left it doubtful whether he meant to apply it not to Majocchi, Sacchi, and other witnesses against his client, but to the King himself. The King took it in the latter sense. Denman certainly did not so intend it; but the bad taste of the quotation, however read, was unquestionable. It delighted the popular party, who for a time talked of the King as Nero; but it greatly damaged the effect of a speech which in other respects had many fine qualities.

It is intelligible that Denman, in the heat of zeal for his client, should have been misled into availing himself of Dr. Parr's envenomed suggestion; but the manner in which he concluded his speech is inexplicable on any reasonable plea—implying as it did the very guilt on the part of his client which he had spent hours in repudiating.

"If your Lordships," he said, "have been furnished with powers, which I might almost say scarcely Omniscience itself possesses, to arrive at the secrets of this female, you will think that it is your duty to imitate the justice, beneficence, and wisdom of that benignant Being, who, not in a case like this, where innocence is manifest, but where guilt was detected and vice revealed, said, 'If no accuser can come forward to

condemn thee, neither do I condemn thee: go and sin no more.'"[1]

These grievous mistakes in judgment were not allowed to pass unnoticed when Copley came to reply upon the whole case, and it will presently be seen with what crushing force he dealt with them. Throughout the inquiry he had shown the admirable temper and rare skill in cross-examination for which he was conspicuous. Denman, who is unmeasured in his condemnation of the general conduct of the case for the Bill, admits that "Copley's cross-examinations were forcible and skilful; that of Flynn restored a lost cause."[2] He could not, however, be just to Copley's speech, which, he says, was much inferior to the Attorney-General's, an opinion influenced, it may fairly be surmised, by the way Copley disposed of the passages above mentioned, the "purpurei panni" of Mr. Denman's own speech, and certainly one which the most weighty criticism has never shared. In nothing is Copley's superiority to all the other Counsel engaged more apparent than in his perfect courtesy and calmness of demeanour throughout all the proceedings, and in the judicial temper which he contrived to maintain in dealing with the evidence, when it came to his turn to analyse it, and argue from it to results. He spoke, as was ever his custom, without notes, but although Denman more than once

[1] The town was soon ringing with the epigram—

"Gracious lady, we implore,
You will go and sin no more;
Or, if the effort be too great,
Go away, at any rate."

[2] "I knew that he was lying," Lord Lyndhurst used to say in his later years, when speaking of Lieutenant Flynn's evidence, "and I looked hard at him. He fainted away, and was taken out of court." Well might Brougham fear to let the Countess Oldi and others of the Bergami set be handled by such a master of the art of cross-examination as Copley.

impugned the accuracy of his citations, in every case the reference to the short-hand notes proved him to be correct.[1]

His task was no light one, to engage the attention of the assembled peers, on the forty-fourth day of the inquiry, when it seemed as if no more was left to be said, after the numerous speeches, all good, and all very long, which had gone before. But in reading his speech one feels that it must have arrested their attention from the first, and kept it to the close. Nothing was superfluous, nothing irrelevant. Almost severe in its prevailing argumentative simplicity, it was here and there enlivened by scholarly allusions and apt quotations that fell naturally into their place. The tone of feeling is manly and sympathetic, without being sentimental; the evidence is reviewed and brought together in a way which leaves on the mind an impression that it was very far indeed from being "a lost cause" which Copley was advocating; and when he rises into a more impassioned strain, the language is nervous, close, and weighty with the emphasis of logically reasoned thought.

Here is a specimen of Copley's lighter vein. He is dealing with the explanation given by the opposite Counsel of the circumstance that, in travelling, Bergami's rooms at the hotels were always next the Queen's:

Mr. Williams says: "Oh, all this was intended to guard

[1] One of these interruptions shows the marked contrast between the impetuosity, not to say bad manners, of Brougham and the quietude and fairness of Copley. Denman had challenged the accuracy of one of Copley's statements, on which Brougham exclaimed: "Do not interrupt him; it would be endless if you interrupted him whenever he misstates evidence." Copley: "I should certainly take it as a favour of my learned friend to interrupt me whenever I misstate any fact." Brougham: "We shall be here till midnight." Copley: "I have not, I conceive, misstated a single fact, except that I may have drawn a wrong conclusion from the conduct of my learned friend Mr. Brougham."

against surprise, against some danger with which she was threatened." My Lords, have we any evidence to prove this? Are we to be led away by confident assertions of Counsel? I look in vain for anything of the kind. My friend is learned and laborious—he introduces quotations in every possible way, for the purpose of ornamenting his address to your Lordships. I look around to see whether I can possibly discover to what he refers, or from what source he takes the idea of a "surprise." I have not been able to discover it, except in a grave and serious author, with whose writings I know my friend to be very conversant—I mean Foote in 'The Trip to Calais,' where I see something like a hint for this. Your Lordships may recollect to what I allude—a conversation between Minniken the chambermaid, and O'Donovan the Irish chairman, respecting the protection afforded to their mistress by Sir Henry Hornby. My Lords, I will cite the passage. O'Donovan is stating the extraordinary friendship of Sir Henry. He says:

"My lord was obliged to go about his affairs in the North for a moment, and left his disconsolate lady behind him in London."

"*Minniken.*—Poor gentlewoman!

"*O'Donovan.*—Upon which his friend, Sir Henry, used to go and stay there all day to amuse and divert her.

"*Minniken.*—How good-natured that was in Sir Henry!

"*O'Donovan.*—Nay, he carried his friendship much farther than that; for my lady, as there were many highwaymen and footpads about, was afraid that some of them would break into the house in the night, and so desired Sir Henry Hornby to be there every night.

"*Minniken.*—Good soul! And I suppose he consented?"

Now I really cannot from any other source give an explanation of this "surprise."—Hansard, vol. iii. 1363-4.

The aptitude of this illustration disposed of Mr. Williams' rhetoric with more effect than the most elaborate argument.

When Copley came to deal with Denman's highly elaborated parallel between Octavia and the Queen, he brought into play that masculine force which

distinguished his oratory whenever the occasion demanded it. Denman states that it was to Dr. Parr he owed the suggestion for the parallel, and no doubt this was the fact; but his classical allusion was stripped of much of its weight in many quarters, when Copley was able to point to it as having been anticipated by the celebrated William Hone, who had been tried not many months before for publishing blasphemous parodies.

"In the earlier stages of this inquiry," said Copley, "appeals were made to the reign of Henry VIII., and to the cruelties exercised by that monarch. Those appeals, in that stage of the cause, were considered as sufficiently powerful, as sufficiently high, to answer the purpose of the defence. But we had become used to them—the name of Anne Boleyne, the name of Henry VIII. had ceased to make any impression on our minds. Some higher stimulant had become necessary; and, in the last stage of this inquiry, to my surprise, to my amazement and utter astonishment, my learned friend, Mr. Denman, whom I have long known, whose candour in private life, and courtesy, I have long loved and admired, dared—I say *dared*, for no other word is applicable to such a subject—to say that in the history of the ancient and modern world there was no parallel to the usage which her royal Highness had experienced, unless in the annals of Rome, in its worst period, under its worst and most infamous sovereign."

"My Lords, the Princess of Wales is said, in her sufferings, to stand in the situation of Octavia. How are we to answer this, but by seeing in what situation Octavia did stand, and by seeing the enormous nature of that charge which has been preferred against the Government of this country? Octavia's father was murdered by Nero; Octavia's brother was murdered by Nero, in the presence of Octavia. She, one of the most pure and spotless beings the world ever produced, was charged with having had a criminal intercourse with a slave. My Lords, there was not a semblance of truth in the charge: she had never advanced this slave—she had never promoted

him to honours—she had never slept in the same room with this slave; but, without evidence, she was sent into banishment. She was speedily recalled. What then took place? The most infamous of men, a monster who had been employed by Nero to murder his own mother Agrippina, was applied to by Nero to get rid of his wife Octavia. 'You must confess that you have had an adulterous intercourse with her, you shall suffer a nominal banishment; but you shall be abundantly rewarded.' The deposition was made—it was taken for truth—she was seized—her veins were opened—the blood did not flow sufficiently quick—she was put into hot water, and her head was taken off, and sent to Nero, to glut his savage mind.

"My Lords, what can we say when my learned friend feels himself justified in coming into a Court of Justice to say that the case of Octavia bears anything like resemblance to the case before your Lordships? Nay, not only bears anything like resemblance, but is the only case that can be extracted from the history of ancient and modern times, that can be stated as parallel to it? My Lords, I confess when I heard this, my blood chilled with horror. I hardly understood where I was, or from whom it was that this extraordinary language proceeded. But, my Lords, what makes it still more extraordinary, my learned friend has not even the merit of invention and novelty in this. The parallel is not his own; for I find in a newspaper which I hold in my hand, published some days before the speech delivered by my learned friend, an advertisement in these terms: 'Nero Vindicated!' Published by whom, my Lords? By a name well known, an individual of whom I know nothing except through the Publications he has ushered into the world—'printed by William Hone, Ludgate Hill.' And my learned friend condescends to make himself the instrument of such a person as that whom I have described—to prefer such charges as these in this high and august assembly against the monarch of this country?

"What would my learned friends say, if I, imitating the same course in answering the arguments of my learned friend, who would endeavour to persuade you, from the boldness of Her Royal Highness to come here to meet inquiry, that there

can be no foundation for the charges against her—what would your Lordships, or what would my learned friends say, if I were to quote the language of Silius, as addressed to the wife of Claudius, when he was endeavouring to stimulate her to an act of treason?—'Insontibus innoxia consilia, flagitiis manifestis subsidium ab audacia petendum.'[1] My Lords, I should not have dared to make such a quotation, only that I found it in the same page with the passages to which my learned friend has referred. I should not have dared to make any allusion to the history of that period; because I believe in my conscience, on both sides, as far as relates to the Sovereign and Government of the country, and to the illustrious individual who now stands before you accused, there is not the slightest resemblance between them."—Hansard, vol. iii. 1408–10.

Copley spoke for nearly two days with unabated clearness and vigour; and although his peroration might not compare for momentary effect with the picturesque and fervid appeal with which his great rival Brougham had concluded his celebrated speech, it was better suited to the tribunal to which it was addressed. It brought back the question out of the heated atmosphere of passion and party in which it had been enveloped into the colder and calmer air of temperate reason, and formed a not unworthy close to the long series of remarkable speeches which had been delivered in the course of the inquiry.

In retiring from your Lordships' Bar we should be guilty of the greatest ingratitude if we did not make to your Lordships our acknowledgments for the kindness which we have experienced at your Lordships' hands. Never came a cause into a Court of Justice in which there was so much anxiety with respect to every step in its progress, and with respect to

[1] "It is all very well for innocent people to stick to innocent courses; but where guilt is notorious, daring is the true resource for safety." This remark of Silius to his paramour Messalina is given by Tacitus ('Annals,' xi. 26). It was used when urging her to the murder of her husband, Claudius Nero.

its final result. Every passion has been successfully appealed to in the conduct of the defence by my learned friends on the other side. They have well and faithfully discharged their duty to their illustrious client. We make no complaint of their conduct. We rejoice to see such talents exercised in the defence of a Queen of England. My Lords, my learned friends have endeavoured to awaken successively all the sympathies and all the passions of your nature. They have even appealed to the basest of all passions—the passion of fear. In this high and august assembly, the *élite*, if I may so express myself, of a nation renowned for its firmness and intrepidity, my learned friends have appealed to the passion of fear. You are told by one of my learned friends that if you pass this Bill into a law, you will commit an act of suicide. Another of my learned friends tells you that "you are to pass the Bill at your peril!" These words hung upon the lips of my learned friend for a time sufficiently long to be understood; and they were afterwards affectedly withdrawn. My Lords, I am astonished that such topics should have been addressed to your Lordships. They can only have an injurious effect upon the individuals from whom they proceed. I know, my Lords, that you will not dare to do anything that is unjust. At the same time I know that what justice requires you will do without regard to any personal consideration that may affect yourselves.

But, my Lords, it is not in this place alone that these arts have been resorted to. The same course has been pursued out of doors; the same threats have been held out, and every attempt has been made to overawe and intimidate the decision of your Lordships. Even the name of her Majesty herself has been profaned for this purpose. In her name, but undoubtedly without her sanction, attacks of the most direct nature have been made against all that is sacred and venerable in this empire—against the constitution—against the Sovereign—against the hierarchy—against all orders of the State. My Lords, this could not proceed from her Majesty. Her name must have been made use of by persons aiming, under the sanction and shield of that name, at some dark and pernicious designs. Believing otherwise, my Lords, we must imagine that her Majesty was aiming at the overthrow of the Govern-

ment of the country, to be replaced by revolutionary anarchy.

". . . . Dum Capitolio
Regina dementes ruinas,
Funus et imperio parabat,"

might in that case become a new era with our posterity. My Lords, I acquit her Majesty of having had any concern in the transactions to which I allude; and I hope that from this moment these proceedings will for ever terminate.

My Lords, if in looking at the evidence, although you should have the strongest conviction on your mind that the Queen is guilty of the charges which are imputed to her in this Bill, but you should think that in strictness there is not legal proof on which you can judiciously act, I admit that you must adopt the language suggested by my learned friend Mr. Denman, and say "GO AND SIN NO MORE." But, my Lords, if you are satisfied, bending your minds earnestly to the contemplation of that evidence, looking at it with that calmness and that dispassionate feeling with which, as judges, you ought to contemplate it; if, I say, you are satisfied that the case is made out so strongly, so fully, and in a manner so satisfactory as to leave no reasonable doubt upon your Lordships' minds, then, my Lords, knowing what I do of the tribunal I am now addressing, I am sure you will pronounce your decision on this momentous question with that firmness which is consonant with your exalted station. (Hansard, N.S., vol. iii. 1427–9.)

Although the Bill of Pains and Penalties was withdrawn, the inquiry upon it was in effect fatal to the Queen's cause. It was impossible to sustain enthusiasm for one who had shown herself so regardless of the dignity and decorum demanded by her station, and who had thus drawn upon herself suspicions, which in one less elevated would have been construed into certainties.[1] Her story made a chapter in English

[1] Lord Lyndhurst always expressed his firm conviction to be, that the Queen was guilty. While entertaining this conviction, however, he tempered it throughout the trial, as Mr. Foss truly observes ('Judges of England,' vol. ix. p. 181), "with

history, which all right-minded men and women would gladly have seen buried in oblivion. Neither did what was subsequently seen and heard of her tend to remove this impression. Her sudden death not long afterwards (7th August, 1821) created no widespread feeling of regret; for even the mob, who had previously been most clamorous upon her side, had grown indifferent to or perhaps ashamed of one whom they had in sheer ignorance exalted into an idol.[1] It relieved the Ministry from a serious embarrassment. The failure of their Bill had not resulted in their fall, as the Opposition had hoped it would, but while the Queen lived there were abundance of people both in and out of Parliament who omitted no opportunity of using Her Majesty's name for the purpose of annoyance and attack.

---

the decorum due to her exalted rank, satisfying his employers by his admirable performance, without incurring the obloquy to which they were subjected."

[1] Writing on the 26th April, 1820, to his daughter, the Hon. Mrs. E. Bankes, when the intention of the Queen to come to England was first talked of, Lord Eldon foretold that what did actually happen would be certain to happen. "The mischief, if she does come, will be infinite. At first she will have extensive popularity with the multitude; in a few short months or weeks she will be ruined in the opinion of all the world." ('Life,' 2nd Ed., vol. ii. p. 3.)

CHAPTER VIII.

Copley becomes Attorney-General—His Forensic Style, and Mode of conducting Cases—Discourages Prosecutions of the Press—Becomes Member for Cambridge University—Introduces Bill for Chancery Reform—Appointed Master of the Rolls—Speech on Catholic Disabilities—Canning offers him the Chancellorship—Becomes Lord Lyndhurst.

DURING the next few years Copley continued to rise steadily in reputation at the Bar. He took no active part in Parliament, speaking there but seldom, and only on points where his legal experience and authority were appealed to, and entitled him to be heard. His labours in Westminster Hall absorbed all his energies; and, like all greatly successful barristers, he had little time to spare for society, or even for the home circle, in which he always found his greatest delight. Copley had at this time a country house at Hanwell, to which he ran down whenever he could escape from his work in London, but, his mother says in one of her letters (1821), he was "not allowed to spend much time there." He was no less liked by his brethren at the Bar than respected by them, for he was always fair, considerate, genial and courteous, while the extent of his legal knowledge and the trenchant vigour of his close and logical method as a pleader made themselves more and more felt. In a letter to Sir Egerton Brydges (Oct. 18, 1823), Lord Tenterden thus speaks of him: "The Solicitor-General has less learning than the Attorney-General

[Gifford], but a much better person, countenance, and manner; a good head, and a kind heart, and not deficient in learning. I suppose he will soon fill one of our high offices in the land."[1]

His promotion came in January 1824, when Sir Robert Gifford, having been appointed Chief Justice of the Common Pleas, Copley succeeded him as Attorney-General. By this time he was the father of two daughters, and, to judge by the glimpses furnished to us by the family correspondence, the happy union of interests among its members continued unbroken. "Were you to look into the house in George Street," his mother writes to Mrs. Greene (January 10, 1824), "of course you would find many changes. Here is your mother in the little parlour, to whom it is principally appropriated, advanced in years, which are not yet attended with those infirmities that so often render life distressing to the possessor, and to one's friends. Here is likewise your sister, my dear companion, in health, bestowing affectionate comfort. Your brother has just returned from his family, who have been at Brighton, all well. I miss the amusing little ones, who are very interesting. Business," she adds, "compels your brother, after two weeks' absence, to be again in London, and sometimes we have his company at dinner. You will observe that he is now Attorney-General, which situation, of course, brings additional responsibility, and demands attention, with its rewards." Writing to Mrs. Greene two months afterwards the old lady says: "I am happy to say your brother gets through his busy scene, with health and good spirits. For all around him I feel how important it is he should retain both."

Copley was not of the common type of clever

[1] Cited in Lord Campbell's 'Lives of the Chief Justices,' vol. iii. p. 296.

men, who are bright and cheerful and brilliant everywhere but at home. It was there, indeed, that the playfulness and natural gaiety of his disposition were seen to the most advantage. He did not require the stimulus of strangers, or of social conflict, to call forth his wit or stores of information, for not only did he not cultivate, but he despised the ambition of display. The dear old mother, the sister whose pride was centred in the brother who had established so many claims on her affection, the wife to whom he was strongly attached, to them he brought the frank outpourings of a genuinely loving nature, of a mind alive with observation, and of a freshness and simplicity of tastes, which not all the absorbing labours of his profession, nor the fascinations of a crowded life could spoil. He delighted in his children; and what they were to his mother, as the letter just cited paints them, they were to him, "the very young one increasing in interest, the elder as pleasing from the opening of her mind." When autumn brought its brief holiday, he would run over to Paris; but he went there with his wife;[1] and Lord Campbell's statement ('Life,' p. 40) that he "was flattered with any raillery which supposed that he indulged in all the gaieties of that dissipated capital," may be classed with the other fictions of his biography.

Had Lord Campbell known Copley, as he asserts he did, "familiarly in private life," he would not have ventured on this statement. But in truth he never crossed the threshold of the house in Great George Street, except late in life, and as a guest at one of Copley's official dinners. He knew nothing of his

[1] "Your brother and his wife," writes Mrs. Copley to Mrs. Greene (Sept. 17, 1824), "employed his short time of respite to visit Paris. They were absent three weeks. They found their excursion useful to their health, and very pleasant, and they both desire kind love and good wishes to your circle."

home life at any period, and had, therefore, no means of knowing the depth and warmth of his affections, his gentleness and sweetness in his domestic relations, the constancy of his friendships, and the active kindness with which those who really knew Copley in private were familiar. But, having never had the privilege of seeing this side of Copley's character, the charge is less excusable which he makes against him ('Life,' p. 39) when, speaking of his forensic eloquence, he says, that it was "wonderfully clear and forcible; but he could not make the tender chords of the heart vibrate, having nothing in unison with them in his own bosom." He knows little of human nature or of the biography either of authors or of orators, who will say that pathos and tenderness of expression are any index to a generous or truly sympathetic nature in either writer or speaker. The man who feels most deeply, if his intellect be as strong as his heart, will be slow indeed to allow the impulses of warm personal emotion to enter into what he has to speak from the Bar. Impassioned declamation, save under most exceptional circumstances, is out of place in such an arena. Nor could it be supposed that the disciplined intellect and severe judgment of Copley would readily stoop to emotional rhetoric, in order to snatch a verdict by making the tender chords vibrate in jurymen's hearts. But where strong feeling came naturally to strengthen the emphasis of the speaker's argument, it is the tradition of the Bar that it was never wanting in Copley's speeches. All through life countless acts of unselfish kindness proved to those who really knew him, how quick were his sympathies and how truly tender was his heart.

Copley had a thorough contempt for the artifices of rhetoric, and too keen a sense of the ludicrous to

resort himself, or to be tolerant of the resort by others, to the calculated tones of a simulated pathos, or to the plaintive appeals of a demeanour like what he once defined as the "wife and ten children face of Parke." It was the same disregard of the small conventions and hypocrisies of the barrister's creed, which made him disregard the staid airs and sober garb of the Inns of Court, show his handsome person in a dress turned out by a fashionable tailor, and drive about the streets of London in a smart cabriolet, with a tiger behind him. Lord Eldon, we may believe, was not the only lawyer who was shocked by what must, to people accustomed to accept traditional usages as sacred, have seemed an outrage upon decorum. It is told of the Chancellor, that when he asked his son what people would have said of him, if he had driven about in this way when he was Solicitor-General, the son, who by no means shared his father's horror, made the sensible reply—"I will tell you, father, what they would have said—'There goes the greatest lawyer and the worst whip in all England.'" Known as Copley was to be as conscientious as he was able in doing his best for his clients, his indulgence in the dress and ways of the class to which socially he belonged never lost him a brief.

A man so distinguished for his social qualities, and so conspicuous in his profession, was sure to be courted in the best London society. That his wife was handsome, "lived well, loved company," and was admired by many leading men in the political world, was another reason for his finding his way into the intimacy of the highest circles. But the remark of Lord Campbell ('Life,' p. 41) that Lady Copley "now weeded her visiting book almost entirely of lawyers and their wives and daughters," filling their places with members of the *corps diplomatique*, and people of rank,

serves only to show that in her visiting book his own name was not included. Lord Campbell was not a man of imagination, and, knowing nothing of what was going on in Copley's household, he supposes Lady Copley to have acted as he would no doubt himself have acted under similar circumstances. The truth was that Copley brought around him in his home the men most eminent in literature, art and science, as well as in political life; and it was inevitable that names of great distinction for social rank should become from time to time mingled with theirs in the pages of his wife's visiting book. But no warrant was given for Lord Campbell's innuendo. It is truly said by a writer, who has been already quoted, that Copley

"never threw off an old friend; he was never ashamed of a vulgar or unfashionable acquaintance; and to say that a man gradually becomes more select in his intimacies as he becomes famous, is simply to say that he profits by the hardly earned privilege of mingling with distinguished persons of all classes, with the leaders in literature, science, and politics, as well as with the most accomplished and agreeable members of the gay world. * * * Unless the successful aspirant is fitted for his new position, he seldom retains it long. Copley was eminently fitted for the position he took up; so fitted that he seemed born to it, and a discriminating observer would have said of him what Talleyrand said of Thiers—'*Il n'est pas parvenu; il est arrivé!*'" ('Quarterly Review,' January, 1869, p. 22.)

But, speaking of Copley at this period, Lord Campbell brings a graver charge against him, and one that strikes at the very root of his character as a barrister for honesty and loyalty to his client. Copley, he says ('Life,' p. 39), "was more solicitous about the effect he might produce while speaking than about the ultimate result of the trial." A strange assertion indeed

to make in regard to a man whose distinction lay not in those flashes of showy rhetoric on which speakers for effect rely, but in the masterly evolution of facts, and closely knit logic, which brought whatever subject he treated clearly before the mind of his audience—the quality, which led to the general remark that, in his case, as in Lord Mansfield's, "his mere statement was worth any other person's argument." Still more extraordinary is the illustration by which Lord Campbell supports his assertion.

"Therefore," he says, "he was unscrupulous in his statement of facts when opening his case to the jury, more particularly when he knew that he was to leave the court at the conclusion of his address, on the plea of attending to public business elsewhere. I was often his junior, and on one of these occasions, when he was stating a triumphant defence, which we had no evidence to prove, I several times plucked him by the gown, and tried to check him. Having told the jury that they were bound to find a verdict in his favour, he was leaving the Court, but I said, 'No, Mr. Attorney, you must stay and examine the witnesses, I cannot afford to bear the discredit of losing the verdict from my seeming incompetence! if you go, I go.' He then dexterously offered a reference—to which the other side, taken in by his bold opening, very readily assented."

No one who is conversant with legal practice can possibly attach credit to this story, despite its apparent circumstantiality of detail. A barrister capable of such conduct would very soon be found out. He would be a marked man among his brethren, on the Bench as well as at the Bar, and would be dropped by every respectable attorney. No more damning accusation, indeed, can be brought against a counsel than that of being "unscrupulous in his statement of facts," and of indifference about "the ultimate result of the trial." Were this not so, his profession would indeed be an infamous

one, as Lord Campbell most unwarrantably called it. Like other men, Copley may at times have been misled by his brief into putting his case higher than the witnesses, when brought to the test of cross-examination, could carry it. But throughout his career, watched by jealous eyes as it was, no such imputation as this of Lord Campbell's was ever even suggested against him. On this point the writer in the 'Quarterly Review' already quoted speaks with authority.

"This," he says, "is the first time we ever heard imputed to Copley, either a want of generosity to juniors, or indifference to the ultimate result. If he had betrayed such indifference, his practice would have suffered from it. Lord Campbell does not seem to have been aware of a point of advocacy in which Copley especially excelled—the opening speech. It was his opinion, which we have heard from his own lips, that it was of paramount importance to impress the judge and jury in the first instance with the views and doctrines it was intended to establish and maintain; to lay down a clear and definite line at starting, and abide by it, instead of waiting for the turn of events during the progress of the cause. Now, an opening speech of this kind demands a careful study of the case in all its bearings; it is the most laborious mode of proceeding, and would not be pursued by one who was habitually indifferent to results."

The rule is even more applicable in opening a case for the defence than for the plaintiff; for any vacillation from the position then taken up is more dangerous to the client. To such a mind as Copley's it was simply an impossibility to move without first settling clearly and firmly the line of argument on which he intended the defence to rest. But without a severe sifting of the facts laid before him this could not be done, and the presumption therefore is, that in this as in so many other instances Lord Campbell's memory is not to be relied on. Had the charge been true,

however great Copley's gifts, they would never have raised him to the position he now occupied by universal consent; where, to use Lord Liverpool's words, in a letter to Lord Eldon (September 5, 1826), he stood with "no competitor at the Bar, at least on our side, nor any on the Bench, who can compete with him in the highest honours of the profession." ('Eldon's Life,' vol. ii. p. 150.)

For more than two years after his appointment as Attorney-General, Copley spoke little in Parliament, never coming forward indeed except when topics arose on which he was expected from his official position to assist the deliberations of the house. He seems carefully to have avoided taking part in the great party debates of the period. Such a course was obviously inconsistent with the views ascribed to him by Lord Campbell, who says ('Life,' p. 40), that "about this time he was so much petted by the high Tories that he had some vague notion of cutting the profession of the law altogether, and accepting a political office in the hope that he might succeed Lord Liverpool." As if Copley, without fortune of his own, would have been mad enough to surrender his prospects at the Bar, and the highest honours of the Bench, which were now almost within his grasp, for the precarious distinction and still more precarious emoluments of even the first Minister of State! So far, indeed, was this from being the case that at no time, even when his influence as a debater and a statesman was universally recognised, did Copley entertain any ambition outside of his profession. In that and that alone he felt his footing secure, and in his success there his highest aspirations were satisfied. It was there, as he well knew, that his peculiar powers were seen to the best advantage, while there and there

only was he sure of independence in point of income, to which he could not afford to be indifferent.

Although he had supported Lord Castlereagh's severe measures for controlling the press, he showed, during his tenure of office as Attorney-General, that he had done so from no want of sympathy with the free expression of opinion. In this he acted in marked contrast to his predecessor, Sir Vicary Gibbs, who, as Lord Campbell says, "placed widows and old maids on the floor of the Court of King's Bench to receive sentence for political libels published in newspapers which they had never read, because they received annuities secured on the properties of these newspapers."[1] Of his merits in this respect Lord Brougham spoke in the warmest terms at a dinner, presided over by Lord Lyndhurst in July 1839, of the Newspaper Press Benevolent Association.

It certainly was not owing to the Press itself, he said, that no ground for prosecution was afforded. If his noble friend had chosen to pursue a different line of conduct to that which he had taken up, there was not a day during the time that he was Attorney-General in which he might not have filed an *ex officio* information. He had thought, however, that the public discussion of political topics could not be carried on without on almost daily opportunity being given to the Attorney-General to exercise the powers entrusted to him; but he went on the maxim only to prosecute where there was such grave cause as rendered such a proceeding necessary, to shut his eyes where he could, and to administer with

[1] Even while acknowledging how well Copley acted in these matters, Lord Campbell cannot forbear from coupling the acknowledgment with a suggestion of meanness, the illiberality of which, to use a phrase of Charles Lamb's, "necessarily confines the passage to the margin." "If Copley," he says, "had been directed to file as many criminal informations as Sir Vicary Gibbs, I fear me he would have obeyed, and would have produced very plausible reasons to justify what he did!" How little he knew of Copley, to think he would take "orders" on such a subject from any Minister, or of statesmen of character, to suppose it possible they could give them!

mercy the high, responsible, and delicate functions of Public Prosecutor.

If there was a man in England able to judge whether Copley had acted with wise forbearance in matters of this kind it was Lord Brougham. But in replying to his speech, the object of his eulogy, with accustomed modesty, declined to appropriate to himself the merit of this forbearance, while at the same time explaining the principle on which he had acted.

With regard, he said, to what his noble and learned friend had said of his public conduct with respect to the press, he had always adverted to that part of his public life with unmingled satisfaction. It was his duty, when he had held the high office of Attorney-General, vigilantly to observe the Press; and the course which he had determined to pursue was this—that in the discharge of the important duties of that office, he would institute no *ex officio* prosecution, except in cases of extreme necessity, and of a character so clear and decisive that no difference of opinion could have been entertained with respect to it by men of any character, any disposition, or any party. Happily during his administration of the office no such case occurred; and certainly he had the proud consciousness and satisfaction of recollecting that, in the discharge of his duty as Public Prosecutor, he never had occasion to resort to that extreme proceeding.

Towards the close of 1825, it became evident that a dissolution of Parliament was imminent; and men began to make preparations for the struggle which was anticipated at the elections. Several measures were pressing for solution on which opinion ran high, and the party in opposition were bent on putting forth all their energy to secure an increase of their numbers. On no question were men's minds more inflamed than on that of Catholic Emancipation, which had for many Sessions been agitated with yearly growing

vehemence. It was one upon which the Ministry were themselves divided, several members, Canning, among the number, having joined their ranks, upon the understanding that it was to be treated as an open question, a state of things which produced, as it could not fail to produce, awkward and embarrassing results. Copley, at this time hostile to Emancipation, who was devotedly attached to his old university, and was regarded there with pride, determined to compete for one of the two seats which were then held by Mr. William Bankes and Lord Palmerston.

It is obvious that he had no thought of ousting Lord Palmerston, then Secretary at War, who had sat for the University since 1812.[1] Mr. Bankes, although upon the same side of politics, had only held the seat for three years; and it was not unreasonable that it should be disputed with him by a man of Copley's eminence. The result showed that Copley was entitled to rely on his superior popularity, for he came in with a triumphant majority at the head of the poll. Lord Palmerston stood next; and, while indicating neither surprise nor dissatisfaction at Copley's having disturbed the old arrangement of the seats, he complains bitterly, and with justice, of the very disloyal way in which the extreme Anti-Catholic section of Lord Liverpool's Cabinet threw their whole influence into the scale against himself, their own colleague, and in favour of Mr. Goulburn as their candidate. The struggle was close,

[1] "In November, 1825, it being generally understood that Parliament would be dissolved the next summer, Sir J. Copley, then Attorney-General, wrote to me to say that he was going to begin to canvass the University, with the view of throwing out Bankes." (Lord Palmerston's 'Autobiography.' Cited by Lord Dalling, vol. i. p. 153.) In a letter from Lord Palmerston to Copley (Jan. 29, 1826) he says, "however much I may regret the existence and nature of our contest, I can assure you that I never have felt any doubt that, in the manner of carrying it on, I should find you a fair and courteous opponent."

but, we learn from an active member of Copley's Committee, that it was conducted in a friendly spirit all round. The canvass extended over six months, terminating only in June 1826, and the strange conflict between members of the same political party marked in a very emphatic way the division which reigned in their councils, not only upon the urgent question of Catholic Emancipation, but upon other questions of policy both foreign and domestic which were beginning to press for a solution. Lord Palmerston had all along supported Catholic Emancipation. This was the reason of the attack made upon his seat, an attack discountenaced by the Duke of Wellington, and Mr. (afterwards Sir Robert) Peel, but fomented by Lord Eldon, the Duke of York, and others of the party who held extreme views upon this question.

Throughout 1825 and 1826 the Attorney-General adhered to his rule of taking no active part in the political debates. But on the 18th of May, 1826, it became his duty to introduce a Bill to Regulate the Practice of the Court of Chancery, which was the first of a series of tentative steps towards the abridgment of the cumbrous proceedings and the cruel delays of that Court, which had for many years formed a crying scandal, and furnished a fertile theme for the invective of law reformers. Two years previously a Committee had been issued to inquire into the practice of the Court, and to give effect to the principal recommendations of their report was the object of the Bill. As Copley's practice was confined to the Common Law Bar, it must have cost him a considerable effort to make himself so thoroughly master of the practice of the Court of Chancery as to explain as he did the defects of the existing system, and the measures for its improvement, with a

concision and lucidity which riveted the attention of the House, and even elicited the admiration of the members who for years had made a hobby of the question.

The name of Lord Eldon had been so long mixed up with the denunciations of his Court, and its costly and cumbrous procedure had been made so much more obnoxious by the delays which his excessive anxiety to give just judgment had led, that it was impossible for Copley to avoid a reference to the Chancellor in bringing his speech to a close. But he did so in language which proved his conviction that the system more than the individual was in fault; and paid the tribute which a great lawyer might be expected to pay to the splended judicial qualities and the conscientious industry of Lord Eldon. He enforced his own opinion which, as he was not an equity lawyer, he gave with natural modesty, by those of Sir Samuel Romilly, and of Mr. Abercromby, then Member for Calne, whose panegyric, he said, "far surpassed in eloquence anything he could say, when he bore testimony to the artlessness and simplicity of Lord Eldon's manners, *his anxiety to do justice, the depth and extent of his judgment, and his vast and capacious memory.*" [1]

[1] Not even in a matter of this kind will Lord Campbell give Copley credit for common honesty. "In private," he says ('Life,' p. 38), "Mr. Attorney talked with the most undisguised and unmitigated scorn of the Lord Chancellor. In the House of Commons he applied to the 'venerable judge' all the epithets which courtesy required; but he only came forward in his defence when forced so to do by official etiquette, and then he lavished upon him *praise strongly seasoned with sarcasm.*" The reader of Hansard will search in vain for any trace of this sarcasm. Copley's words are simple, straightforward, earnest, such as a man speaking from strong conviction would use. To give colour to his aspersion, Lord Campbell again garbles his so-called quotation from Hansard, omitting the words in italics quoted in the text, and substituting for them "his singular disinterestedness, and his readiness to sacrifice his love of retirement to his official duties," of which not a word occurs in Copley's speech. We are informed by a gentleman still living, Mr. Francis Barlow, who was in most intimate relations of friendship with Copley at this time and down to the end of his life, that Copley and Lord Eldon were on the most cordial terms, until the debates in 1829 on the Catholic Emancipation Bill led to a temporary coolness between them. But even while this coolness

It was too late in the Session for progress to be made with the Bill; Copley introduced it again in the following Session in an amended form (Feb. 27, 1827). But the changes in the Ministry and other causes arrested the further progress of the measure, and the great question of Chancery Reform was left to be dealt with by Copley, some years afterwards, when his experience as Lord Chancellor enabled him better to grapple with it, and to carry out changes which would have been difficult to effect so long as Lord Eldon remained upon the woolsack.

Lord Eldon had for some time been anxious to retire, and he had looked to Lord Gifford, then Master of the Rolls, as his successor. But this anticipation was destroyed by the death of that amiable man and accomplished lawyer, after a short illness, in September 1826. The Ministry could not afford to lose Lord Eldon, and insisted upon his retaining the Great Seal yet a little longer.[x] But in the necessity for

existed, Lord Lyndhurst (12th of May, 1829), when introducing a Bill for expediting the business of the Courts of Equity, spoke of the ex-Chancellor in terms which went far to soothe any angry feeling which their political duels had excited. "It is impossible for me," said Lord Lyndhurst, "notwithstanding the political differences which now divide us—it is impossible for me, I say, having once mentioned the name of that noble and learned Lord, not to add, that no man, sitting on the same bench which he so long filled, and considering the nature of his decisions, can refrain from admiring his profound sagacity, his great erudition, and his extraordinary attainments. It had been often said in the profession, that no one ever doubted his decrees except the noble and learned Lord himself. I am sure, from the short opportunity which I have had of judging of them, that none of his predecessors had a more complete command of the whole complicated system of Equity, than that noble and learned personage." (Hansard, N. S., vol xxi. 1280.)

[x] Lord Campbell, always suspicious of intrigue—did he learn in the political camp to which he belonged his prevailing belief, that mean personal motives govern lawyers and statesmen?—says that while Copley for motives of selfish interest upheld the Ministry, "Lord Eldon was to be *vilipended*, so that at the first convenient opportunity he might be got rid of, and a fit successor might take his place." Why, Lord Eldon had been for years, as is now well ascertained, anxious to retire; and his correspondence shows that, next to Gifford, he believed Copley to be the fittest man to take his place! Where, then, was the necessity for "vilipending," that

strengthening the Bench, Lord Liverpool at once turned to Copley to take Gifford's place as Master of the Rolls, an arrangement which carried with it the advantage that his services might still be available in Parliament, that anomalous privilege, which no longer exists, being then attached to the office. Before offering it to Copley, Lord Liverpool consulted the Lord Chancellor, who thought it most "natural that his Lordship should look to Copley," but doubted extremely whether he would "accept the office, even with the prospect of possessing the Great Seal." These are Lord Eldon's words in writing to Mr. Peel; and he adds:

"I have stated my apprehensions, that he (Copley) will decline the Rolls. He ought not, perhaps—yet a man of his eminence in that part of the profession in which he has been engaged may probably feel unwilling to go into a Court of Equity as a judge, never having been in one as counsel, and especially in that Equity Court in which much business is rather business of form than requiring the exercise of a powerful intellect. He has always refused briefs in Scotch causes, which looks as if his views were directed to the King's Bench, and not to the office of Chancellor, who must hear so many Scotch causes."

Lord Campbell assumes that this letter was written to persuade Mr. Peel that Copley was not fit for the office of Master of the Rolls. How unwarranted is this assumption is obvious from a subsequent letter of the Chancellor's, in which, referring to the fact that Copley had accepted the office without hesitation, he adds, that "considering the Chancellorship and

resource of only base and shallow natures? And yet Lord Campbell can write such nonsense as this: "Of Copley the bigoted ultra-Tory had an utter horror; for in dreams he had seen his rival snatching the Great Seal from his hand, and heard him delivering a harangue in favour of the Roman Catholics"! ('Life,' p. 41.)

the Chief Justiceship of the King's Bench may soon be open, and on the other hand, the change of Administration may not be a thing so impossible, in the meantime, as to make the acceptance a foolish thing of an office and income worth £8,000 a year for life, which may be accepted without prejudice to his moving to either of the above offices, I think he has acted very prudently, especially taking into the account that he goes to school in the lower form (the Rolls) to qualify him to remove into the higher, if he takes the Chancellorship."

Not much evidence here of Eldon's jealousy of Copley as his successor, of which some symptoms would have been apparent, had any grounds existed for the suspicion thrown out by Lord Campbell that the new Master of the Rolls was bent on using such new weight as he might acquire in the House of Commons in that capacity "at any favourable moment to give the *coup de grâce* to the condemned Chancellor."

Appointed Master of the Rolls on the 14th of September, 1826, Copley held the office for only eight months.[1] But during that period he verified the anticipations of his legal brethren, that he had every quality to make him a distinguished judge.

Copley, although openly avowing hostility to the Roman Catholic claims, was so popular that he had been supported at Cambridge by men of all shades of opinion. But when the question again came on for discussion, although he was no longer a member of the Government, he felt himself bound to take part in the debate, and to urge the views, which he himself

[1] He had of course to go through the form of being re-elected for Cambridge. "I hope," he writes to Mr. Barlow (Sept. 18), "I shall not be opposed. I think it is scarcely possible. Goulburn has written that *he* has no intention, and Bankes will not venture." He was not opposed. The note of his election expenses, now before us, shows that they amounted to only £14. 13*s*.!

shared, of the large numbers of his constituents who felt strongly upon the question. The occasion was given by a motion made (March 5, 1827) by Sir Francis Burdett,[1] affirming the necessity for taking into immediate consideration the laws imposing Civil Disabilities on His Majesty's Roman Catholic subjects, with a view to their relief. Although the Cabinet was divided on the subject, those of them who were in favour of the Catholic claims had for some time been gaining a preponderating influence. Lord Liverpool, the Prime Minister, was prostrated by the paralysis which had struck him down three weeks before; and speculation as to his successor was already rife, the odds being in favour of Canning, whose ascendency in the Cabinet and in popular favour seemed to designate him for the office, despite his opinions on the Catholic Question, which made him distasteful to the King. On all other questions Copley and Canning were at one; and even here they differed, not so much upon the abstract question as upon the necessity of coupling the removal of the Catholic disabilities with safeguards against the abuse, to the prejudice of Protestant institutions, of the privilege claimed.[2] If Canning were called to the head of affairs, Copley might fairly count on being promoted to the Woolsack, which in such an eventuality Lord Eldon was certain to vacate. It was obviously not his interest, therefore, to come into collision with Canning upon the Catholic question, and, had he been swayed by the merely selfish considerations which Lord Campbell imputes to him, he might easily have avoided entering the lists upon the opposite side. But the subject was one upon

[1] Not Sir W. Plunkett, as stated by Lord Campbell.

[2] See Stapleton's 'Political Life of Canning,' vol. i. p. 309.

which he entertained very decided views. The Romish Church, he maintained, was dangerously aggressive in its policy. It would use the concessions now demanded as a lever for destroying the Protestant Church, and ultimately for severing the connection between Ireland and Great Britain. Of the sincerity of his convictions there can be no question; for he maintained them to the end of his days; although before two years had gone by, he, along with the Duke of Wellington and Sir Robert Peel, was driven to surrender these convictions to the overwhelming weight of public opinion, and to bring in a measure for Catholic Emancipation in order to avoid the terrible contingency of a civil war.[1]

Copley spoke early on the second night of the debate; and his speech was sufficient to call forth the energies of several of the ablest debaters, Canning included, in reply. The first half of it was occupied by an elaborate historical statement of the circumstances which had given rise to the penal laws; the second was devoted to showing the danger likely to result to the State, unless the concession of political privileges to the Catholics were guarded by securities (which, however, he did not define, as, indeed, it would have been hard to define them), against their being used in the future to the prejudice of the general weal. Copley's historical knowledge, no less than his political studies, was quite sufficient to have furnished him with ample materials for his speech. But a pamphlet, in which the same line of argument had been urged by Dr. Phillpotts, afterwards Bishop of Exeter,

[1] Lord Campbell, of course, sneers at his sincerity, and says that when, at the close of his speech, he claimed credit for it, "he sat down amidst some sneers *and a great deal of tittering*"—the tittering being a pure fiction—adding that, "if he had any opinions, they were known to be on the other side of the question."

had recently been published. The story goes that the pamphlet was espied by some members among Copley's papers, and that before he sat down, a whisper ran through the House that Copley had drawn his inspiration from it. The whisper was coupled with the words of a then well-known song,

> "Dear Tom, this brown jug that now foams with mild ale,
> Out of which I now drink to Sweet Nan of the Vale,
> Was once Toby Phillpott's."

No one was so likely as Canning himself to have made the happy quotation. Dr. Phillpotts was an old antagonist of his, and we are told by his private secretary and biographer, Mr. Stapleton, that Copley's use of Dr. Phillpotts' line of argument "gave to his speech a character of personal hostility which there is every reason to believe was very far from the intention of the speaker" (Canning's 'Life,' vol. i. p. 310). Hence Canning's momentary soreness. The writer in the 'Quarterly Review' already quoted, says,

"We were personal witnesses of the scene. During the first part of the speech, Canning's look and attitude, with a pen in his hand taking notes, manifested an intention to reply on the instant, but at the end of the first ten minutes he appeared to have altered his plan, and was observed whispering to Plunkett, who rose after Copley, and made an admirable debating speech in which his right honourable and learned friend was severely handled. Then came Goulburn, Brougham, Peel, Canning, and Burdett (in reply). It was a brilliant and memorable night, but neither Canning nor Copley appeared to the greatest advantage. Canning showed too much undue irritation, and Copley foolishly interrupted him to complain of his reading an opinion signed by the law officers of the Crown (Gifford and Copley), on the ground that it was a confidential communication." ('Quarterly Review,' *In loc. citat.* p. 23.)

Canning was then suffering from the illness that in

the end proved fatal to him, which had been brought on by a chill caught at the Duke of York's funeral in the preceding January. He was obviously not master of himself, and threw into his speech an amount of acerbity which was really not justified by what Copley had said. Brilliant and impressive as were his own and some of the other speeches on his side, the result of the division—a result wholly unexpected—was to negative the motion by a majority of four in a house of 584 members. This was not calculated to improve Canning's health, which, indeed, was so shaken by his exertions in this debate that he was laid up for some time afterwards, and was in a very unfit state to encounter the fatigue and anxiety of fulfilling the duty, entrusted to him by the King on the 10th of April following, of forming an Administration. The difference between himself and Copley, if it caused temporary pain to either, was soon healed. Nothing had been further from Copley's thoughts than to offend Canning, and it was a surprise to him to find, from the tone of Canning's speech, that offence had been taken. Canning, on the other hand, saw upon reflection that he had gone too far. A day or two afterwards they met in the House of Commons and shook hands. Canning apologised to Copley for the severity of his remarks;[1] and complete harmony was restored between them. In arranging his Ministry, Canning had hoped that

[1] See Charles Greville's 'Memoirs,' vol. i. p. 91. But while Canning was ashamed of having given way to bad temper, and attacked Copley unreasonably, Copley's enemies were delighted with the very thing for which Canning apologised. Thus Denman, who for some reason is always bitter against Copley, in a personal narrative quoted by his biographer (vol. i. p. 205), says, that Canning attacked Copley "with ferocity and contempt, exposing both the baseness and impudence of his conduct with virulence. Everybody pitied the Master of the Rolls, and thought him lucky in having obtained that situation from which he could never expect to emerge." This is a gross exaggeration of Canning's speech. Had it been true, no apology on one side or forgiveness on the other would have been possible.

Lord Eldon would have remained as Chancellor, but no sooner did he receive Lord Eldon's letter of refusal, which reached him on the 12th of April, than he determined to place the vacancy at Copley's disposal. On the 13th he wrote to him—

My dear Sir,—I learn at your house in town that you are to be at Wimbledon [where Copley then had a house] to-morrow. May I request the favour of seeing you as soon after your arrival as you can make it convenient. Believe me, my dear Sir (*Philipotto non obstante*),

Very sincerely yours,

The Master of the Rolls. (Signed) GEO. CANNING.

Copley replied to this invitation that he would come, following Canning's example by putting into his letter clear evidence of unbroken friendship by the concluding words, "Believe me now, as always (minus twenty-four hours), yours very sincerely."

To Canning's appeal, accompanied as it presently was with the statement that the King wished Copley to be Chancellor,[1] there could be only one answer. Canning had the King's permission to make Catholic Emancipation an open question with his Cabinet, and on other questions Copley was in sympathy with him. Deserted by many of his old colleagues, who he expected would have stood by him, Copley's ready accession, which was of importance to Canning, and greatly strengthened his hands at a critical juncture, must have obliterated any lingering trace of recent soreness. It was moreover a strong assurance of personal regard, for tempting as the offer was, its acceptance by Copley was not wholly unattended by risk. As Master of the Rolls he had £7000 a year ensured

[1] "You will be gratified to hear that your brother is appointed to the high station of Lord Chancellor, by the particular wish of the King."—Mrs. Copley, in a letter to Mrs. Greene, 21st April, 1827.

to him for life,' and, we learn from Greville's 'Memoirs' (vol. i. p. 135), that "he debated whether it was worth while to give this up to be Chancellor for perhaps only one year with a peerage and a pension." But to be assured of the crowning honour of his profession was worth incurring the hazard of pecuniary loss, and he does not appear to have kept Canning long in uncertainty as to his decision.

Having no landed estate, or family connection with one, Copley hesitated for a time about the title by which he was to be called to the Peerage. At first he fixed upon "Lord Ashbourne," and this was even currently talked of, for Lord Palmerston, writing to his brother on the 19th of April, mentions that "Copley is Chancellor as Lord Ashbourne." But remembering Canning's lines in 'The Loves of the Triangles' about "romantic Ashbourne," and the "Derby Dilly,"[1] he was afraid of having a ludicrous association connected with the name, and selected that of Lord Lyndhurst in its stead. In the course of a most friendly correspondence which took place between Lord Eldon and himself at this time, the old Chancellor urged him to choose a short title and one easily written, as the official calls for the Chancellor's signature were then innumerable. Copley kept the friendly hint in view, and had reason to be grateful for it.

[1] "So down thy hill, romantic Ashbourne, glides
The Derby Dilly, carrying three INSIDES,
One in each corner sits, and lolls at ease,
With folded arms, prop't back, and outstretched knees;
While the press'd BODKIN, punch'd and squeezed to death,
Sweats in the midmost place, and scolds, and pants for breath."
POETRY OF THE ANTI-JACOBIN.

CHAPTER IX.

Lyndhurst's First Chancellorship—His Cordial Relations with Canning—Continues as Chancellor under Lord Goderich's Administration—Campbell applies for, and receives Silk Gown—Denman's applicatio for Patent of Precedence—Difficulties with the King—Duke of Wellington becomes Premier—Lord Lyndhurst continued as Chancellor—Relations with Wellington and Peel—Gives Appointments to Macaulay and Sydney Smith.

On the 30th of April the Great Seal was delivered to Lord Lyndhurst by the King, who accompanied the act with strong expressions of his confidence in the new Chancellor. If the moment was a proud one for the son of the struggling artist, who owed his elevation solely to the general recognition of his "predominating powers," it was no less one from which a solemn sense of responsibility could not be absent. We have no record that, like his great predecessor, Copley wrote down in successive note-books and diaries, so as to be always before his eyes, the sentence from Leviticus xix. 15, 35: "Thou shalt do no unrighteousness in judgment," for Copley kept neither diaries nor note-books; but that the axiom was not the less uppermost in his mind is confirmed by the history of his career as a judge.

He knew well that on the bench—as at the bar—excellence is to be achieved, and a reputation to be maintained, only by hard work. Lord Eldon is reported to have given as the only possible advice to a young man bent on making way at the bar, that he should make up his mind "to live like a hermit

and work like a horse." If Copley did not follow the first half of the maxim he had certainly practised the second. And what his views were as to the rule incumbent upon a Chancellor may be gathered from his remark to Mr. Charles Greville in regard to his immediate successor on the woolsack. "I know," he said (May 22, 1831), "Brougham affects a short cut to judicial eminence, but without labour and reading he cannot administer justice in that Court, although no doubt his great acuteness and rapid perception may often enable him at once to see the merits of a case, and hit upon the important points." (C. Greville's 'Memoirs,' vol. ii. 145.)

Coming after a man like Lord Eldon, whose judgments, however tardily given, commanded universal respect, and with many jealous antagonists ready to detect any loose joints in his armour, Copley had every motive to devote his best powers to the fulfilment of the judicial functions of his high office, and he did so devote them. Its duties were of the most arduous kind. Besides the business in Chancery, and in Bankruptcy, which to him was in a great measure new and unfamiliar, there were no fewer than seventy appeals from Scotland, and forty from England and Ireland waiting for hearing.[1] It was obviously impossible for him to grapple single handed with this amount of work. He had never taken briefs in Scotch appeals, and some time therefore was necessary for him to master the principles of the Scotch law of real property, —by no means so difficult a matter, however, for a man of Copley's intellectual calibre, as Lord Campbell represents it.[2] But these appeals were urgent; and to meet

[1] Speech of Lord Lyndhurst in House of Lords, May 7, 1827.

[2] "Copley felt that for him to have attempted to speak *ex cathedrâ* on the Scotch tenure '*a me vel de me*' would only have exposed him to ridicule." ('Life,'

the difficulty recourse was had to the assistance of the Chief Baron (Alexander), who was intimately acquainted with Scotch law, and who undertook to devote two days in each week to disposing of Scotch appeals, and of the Master of the Rolls (Leach), who was to devote one.

To carry out this arrangement a Commission was necessary, authorising these judges to act as deputy speakers of the House of Lords in the Lord Chancellor's absence. The same course had been adopted on a former occasion, and had provoked serious opposition, as a breach of the rule that only peers could act in that capacity. Copley had therefore to make the best case he could for it, and his first speech in the House of Lords (May 7, 1827) was devoted to this object. "If their Lordships," he said, "would grant him the indulgence which he asked, he pledged himself, before the next Session, to perfect a plan with reference to his Court, which would secure the performance of its duties, regularly, faithfully, and efficiently." This promise, however, he found it impossible to redeem, so great was the pressure of the business which he had to take upon his own shoulders, and the numerous claims upon his time occasioned by the active part he was called upon to fulfil in the arrangements consequent on a succession of ministerial changes.

Copley's fine presence and bearing never showed to more advantage than when he appeared in his Chancellor's robes. Tall, erect, self-possessed, with a voice deep and rich in cadence, a command of words that came with ease and yet were exquisitely apt, a manner firm, courteous, and dignified without effort,

---

p. 43.) The mystery of that tenure is one which a few hours' reading would have enabled Copley, as it has enabled many meaner men, to fathom. In due time he showed he knew all about it.

no worthier representative could well be imagined of the great office which combines in itself the functions of Minister, legislator and judge. No man perhaps cared less than he for the trappings and suits of high office; but no man ever wore them with greater dignity, or with more impressive effect. Both on the bench, and in the House of Lords, he was in his true sphere. His mind, rigorous in its estimate of facts, was eminently dispassionate and judicial: it was also too large and open to be fettered in its considerations of questions of great public policy by the narrowing influence of petty party interests and motives. Before he had sat two months in the House of Lords, he showed (June 26) that he had no sympathy with the bigotry of the extreme Tory party, between whose attacks and those of the discontented Whigs Canning's brief career as Premier was cruelly embittered. A Bill introduced by the Government to enable Protestant Dissenters to have their marriages celebrated by their own ministers, and at their own places of worship, was strenuously opposed by Lord Eldon, on the motion for sending it to a committee. The Chancellor replied in a short but conclusive speech, in which, after pointing out that until the time of the Council of Trent no religious ceremony was connected with Christian marriages, he urged the injustice of forcing the marriage service of the Church of England upon those—the Unitarians for example—who held doctrines which conflicted with some of the most material portions of that service. "This solemn mockery," he said, "ought to be got rid of, for the sake both of the Dissenters and of the Church, to which, as much as to the Dissenters, its abolition would be a relief." The State, he contended, ought not to interfere in regard to the ceremony of marriage

further than to provide that it should be simple, certain, and easily proved. The Bill was sent to a committee by a small majority; but it went no further, and it was not till many years afterwards that this relic of ecclesiastical despotism was removed.

These were the only occasions on which Lord Lyndhurst spoke during Canning's brief administration. Had the necessity arisen for more active intervention in debate, he would assuredly not have been wanting when called upon by his chief, for he was on terms of most intimate friendship and communication with Canning to the last. The rancour with which that statesman was assailed by the section of the Whigs, who were furious at his having been joined by several conspicuous members of their party, and apprehensive that this might result in its being broken up, culminated in a speech of Lord Grey's, who had (May 10, 1827) made his policy the subject of an attack full of bitterness, based upon gross misrepresentation. Canning is said to have for a time entertained thoughts of being made a peer, that he might answer Lord Grey in person. In any case he was well able to act as his own champion, and he could also afford to choose his own time for entering the lists. Certain it is, that until Lord Campbell propounded the statement, that "it was thought cowardly in the Chancellor not to defend more strenuously his chief against the combined efforts of the Duke of Wellington and Lord Grey," the charge was never dreamt of. To Campbell also belongs the discredit of the suggestion that Lord Lyndhurst abstained from striking a blow in defence of his chief, because he thought his Government "could not last long, and he did not like to incur the enmity of those who would probably have to construct a new Cabinet." ('Life,' p. 54.) He little knew on what a footing of

perfect confidence Canning and Lyndhurst stood towards each other. Canning was in intimate communication with him as to the arrangements of the Government down to a few days before his death. It was while sitting out in the garden of Lord Lyndhurst's house at Wimbledon, on the 10th of July, that Canning got the chill which was the proximate cause of his death. The following letter from him, written from the Duke of Devonshire's villa at Chiswick, to which he had gone to stay on the 20th of July, shows very clearly the friendly intimacy of their relations :

Chiswick, July 24, 1827.

My dear Lord Chancellor,—I have no answer from B——,[1] and as I gave him his choice of the whole day, he *may* choose an hour so late as to prevent my return here to a 6 o'clock dinner. Will you, therefore, instead of taking this place on your way to-morrow, meet me at dinner at Clanricarde's? Considering your dinner here, however, only as postponed to a fitter opportunity.

Ever sincerely yours,
(Signed) GEO. CANNING.

The dinner thus postponed never came off. Lord Lyndhurst dined at Lord Clanricarde's next day, when Canning complained of feeling very weak, and left early. His illness gained upon him with great rapidity, and on the morning of the 8th of August he died.

The opposition journals of the day gave out that

[1] This initial obviously refers to Brougham, to whom Canning had offered a place in his Administration, which Brougham declined, because, as he says in his 'Autobiography' (vol. ii. p. 480), "of course political office was out of the question as I could not afford to quit my profession;" and again (p. 485), "because I should lower myself in Parliament and the country by accepting any place out of my profession." What is referred to as not having elicited an answer was, no doubt, the offer of a judgeship, to which, in a letter to Earl Grey of September 1, 1827, Brougham thus refers: "Within *six weeks* I have refused the most easy and secure income *for life* of £7000 a year, and high rank, which I could not take without leaving my friends in the House of Commons exposed to the leaders of different parties." ('Autobiography,' vol. ii. p. 489.)

Lord Lyndhurst and his chief were not on friendly terms. This was one of those misrepresentations, hatched by party malice, which public men of character soon learn to despise. Lyndhurst treated it, as it deserved, with silent contempt. But how the facts stood may be gathered from the language of a letter from his mother to Mrs. Greene (December 3, 1827), in which, referring to this report, she writes:

> . . . I improve this opportunity to correct the conjecture you mention with regard to the Lord Chancellor and the late Premier. It is among those that are unfounded, which I state upon my son's authority; they were upon the most intimate and cordial terms of friendship, and, with others, he has to lament the loss to society in the death of Mr. Canning. . . .

Of this friendship Lord Lyndhurst took an opportunity to speak in addressing the House of Lords a few months afterwards (June 10, 1828) in the debate on Roman Catholic Claims.

> "As Mr. Pitt," he said, "never was an advocate of unqualified concession, so neither was the late Mr. Canning, of whose talents and judgment I can never speak without admiration. Almost from the first period of my being acquainted with that distinguished statesman, I was honoured with his intimacy; and I had abundant opportunities of observing how decidedly strength of character and candid, manly conduct marked the mind of my deceased friend." (Hansard, N. S., vol. xix. 1254.)

Among the first to congratulate Lord Lyndhurst on his appointment as Chancellor was his future biographer, who had long coveted a silk gown, but knew that he had no chance of getting one from Lord Eldon. No sooner does he hear of Copley becoming Chancellor than he writes to his brother (April 25), "I look upon a silk gown as a matter of course: 1, from my station in the profession; 2, *from Copley's regard for*

me; 3, from his friendship for Scarlett; 4, from the interest of the Attorney-General (Scarlett). In truth the first reason is quite sufficient" (Campbell's 'Life,' vol. i. p. 444.) Probably it was. Hitherto, however, it had not prevailed; and although he records on the same page that he "wrote a few lines to Copley (*pro formâ*)," it will be seen that the letter itself scarcely bears this matter-of-course character.

9 New Street, Spring Gardens, May 2, 1827.

My dear Lord,—I beg leave to offer you my hearty congratulations on your accession to your high office. I believe your Lordship is aware of my desire to be appointed one of His Majesty's Counsel, *and this distinction will be particularly gratifying to me if I owe it to your kindness.* I remain with great regard and respect, yours faithfully

(Signed) J. CAMPBELL.

The Lord High Chancellor.

The Chancellor's answer (see Campbell's 'Life,' *Ibid.*) was given to Campbell personally a few days afterwards in the House of Lords, when, beckoning to him at the bar, the Chancellor told him he should probably hear from him in two or three days. "He was exceedingly gracious," Campbell writes, "and meant this as an announcement that I was to have my patent forthwith." What Copley's "regard," on which Campbell plumes himself, was, will hereafter be seen. How Campbell repaid Copley's "kindness," how strenuously he did his utmost to strip Copley of every claim to either "regard or respect," the world has long known.

Copley was a kind-hearted man, and in politics a generous adversary. It must therefore have been a pleasure to him to gratify the legitimate ambition of such men as Brougham, Campbell and others to receive the honour of a silk gown, for which they

had been kept waiting for many years through the obstinacy of Lord Eldon. Brougham early received his patent of precedence, thanks to the united influence of Canning and the Chancellor. But, with every wish to secure the same honour for Mr. Denman, who had fought Queen Caroline's battle side by side with Brougham, they were unable to remove the King's objection to his promotion. Mr. Denman's application was made in May 1827, and the Chancellor had then sounded the King on the subject, and found him inflexible. He made his friend aware of this in terms which drew from him the acknowledgment in a letter the next day (May 23) of "gratitude for the favourable disposition towards me of which you were pleased to give me the assurance." "In justice to my feelings," Mr. Denman added, "to my character, and the interests of those who are dearer to me than life, I cannot renounce my claim;" and he concluded by repeating the application for precedence at the Bar, and begging that it might "forthwith be placed before His Majesty."

What pain it cost Lord Lyndhurst to refuse his friend's request is obvious from the many drafts, still existing, which he prepared of his reply. "The claims," he said, "you have upon me, arising from the intercourse of private friendship, I acknowledge in their fullest extent. It would have been inconsistent with the manliness of your character to have rested your application on such grounds. I may, however, be permitted to allude to them for the purpose of satisfying you how extremely painful to my feelings must be the conclusion to which I have been compelled to come on the subject of your letter."

In his reply Lord Lyndhurst touched lightly upon the reason which prevented him from laying

the application before the King. It lay in the unlucky quotation made by Denman from Dion Cassius at the Queen's trial (see *ante*, p. 186), suggesting an imputation of the most offensive kind, which had so rankled in the King's mind that he had absolutely forbidden Lord Eldon, and after him Lord Lyndhurst, to approach him with Denman's name. It was a deep mortification to Mr. Denman to find himself passed over and precedence given to men younger and less distinguished than himself. From motives of delicacy Lord Lyndhurst had in the first instance forborne to inform Mr. Denman fully of the construction put by the King upon his use of the offensive quotation. But this silence could not be long maintained in the face of Mr. Denman's reiterated request to have his claims pressed upon the King. The Chancellor's position was consequently a most painful one. On the one hand, Mr. Denman obviously suspected him of indifference to his interest, while on the other the King had forbidden him to renew the subject. Lord Lyndhurst had therefore no alternative but to explain fully in what sense the King had all along interpreted the allusion from Dion Cassius.

Mr. Denman, who apparently had not till then been aware of the certainly very obvious construction to which his quotation was open, was aghast, and wrote to the Chancellor begging that "no time might be lost in enabling him to vindicate his character, in comparison with which he declared that the silk gown was of no account with him." This vindication he embodied, on Lord Lyndhurst's suggestion, in a memorial to the King, in which he stated that he had "heard with extreme sorrow, but with still greater astonishment, that a speech delivered by him in the discharge of his duty as an advocate in the

House of Lords in October 1820, had been perverted to a sense wholly foreign to his intention, and most abhorrent to his feelings—a passage quoted from a Greek historian for an entirely different purpose having been construed into an insinuation of a most revolting nature against your Majesty." The memorial went on to say—with no small lack of tact, implying as it did a reproach upon the Chancellor as if he had stood in the way of explanation—that, since Lord Lyndhurst had informed him of the imputation under which he lay, he had repeatedly importuned his Lordship to lay before the King his "solemn disavowal of the offence imputed to him," and it concluded by an earnest entreaty to His Majesty "to believe his declaration, that no such insinuation was ever made by him, that the idea of it never entered his mind, and that he was utterly at a loss to conceive how it ever came to be suspected or could ever be thought possible."

No more delicate task could well be imagined than that of bringing this memorial to the notice of the King in such a way as to give it a chance of being favourably received. For more than seven years the conviction had been rooted in his mind that Denman had deliberately intended to use a passage, which, as we have already said, ought never to have been quoted at all, to convey a most odious impression of the King's conduct and habits. What wonder then if the Chancellor, having his friend's interest at heart, did not at once thrust the subject on His Majesty's notice, but thought it prudent to wait until some favourable opportunity arose? Denman, however, was impatient; and, imputing this delay to lack of friendly zeal, applied on the 24th of July, 1828, to the Duke of Wellington, who by this time was Prime Minister. It appears from a letter

written by Mr. Denman to his wife the same day, that the Duke entered warmly into his case.

"There are feelings," he said, "in the King's mind which it may still take some time to remove; that the Chancellor has really had no opportunity, and has shown a friendly disposition; that I must leave it to them to consider the best mode of doing it, and whether the one or the other shall be the proposer; that many feelings as strong had been got over, but pressing the matter unseasonably could only defeat the object. He said, however, 'I'll do it!' and with a most marked and animated manner, 'You may rely upon me. The King must be made sensible how unreasonable such feelings are. I should like to feel my way a little, but if I find that the subject is not agreeable, I will press it notwithstanding.' I told him that my present object was not to ask for a silk gown, but merely to remove the imputation, which I considered important as a preliminary towards getting the silk gown, and absolutely necessary for my character. He said 'he understood me perfectly; that it was a thing to be done. You may rely upon me. I'll do it.'"

If Mr. Denman had been aware of what the Duke's language must have told him, that the Chancellor had already been considering with the Duke how best to overcome the King's scruples, he would scarcely have written the following somewhat ungracious letter the previous day:

Russell Square, July 23, 1828.

My dear Lord,—Having heard from Lord Holland, with the utmost surprise and concern, that you have not communicated to His Majesty the statement which I made by your desire, I beg to inform you that I have thought it necessary to take measures for trusting the vindication of my character to other hands. Your Lordship's obedient servant,

(Signed) THOS. DENMAN.[1]

[1] This, and the letter to Mrs. Denman just cited, are now, thanks to the courtesy of the present Lord Denman, printed for the first time.

A less kindly-tempered man than Lord Lyndhurst would have taken umbrage at the tone of this letter, with the old familiar friendly conclusion altered into "Your Lordship's *obedient* servant." But he could make allowances for Mr. Denman's irritable state of mind; and making no alteration in his mode of addressing his old friend, he wrote to him thus:

House of Lords, Tuesday.

Dear Denman,—I did not understand that I was to be merely the *channel* to transmit your explanation to the King, or I would have sent it to His Majesty immediately upon the receipt of it. I considered that it was to be left to me to communicate it at such time and under such circumstances as would in my judgment be best calculated to effect all the objects to which it appears to be directed, and which I have never ceased to have anxiously in view. I have seen the Duke of Wellington and communicated to him your letter. Yours very faithfully,

(Signed) LYNDHURST.

Mr. Denman was not, however, in a temper to be mollified even by this letter, and in his reply he renewed his complaint, that time had been lost in bringing his case before the King.

It was manifestly hard for a Whig of those days to think that a political adversary could go straight, or could sacrifice to friendship a tittle of self-interest. A letter from Lord Holland to Mr. Denman, now before us, written a few days before the interview with the Duke of Wellington, points out very strongly the hazards of pressing the matter on the King's notice, and that just at that particular time to "stir matters disagreeable to Royal ears" would be far from wise. "The Chancellor," he adds, "wishes well to you, I am satisfied; but he does not mean to sacrifice the least tittle of favour to his wishes." As if in sacrificing his

own favour he must not inevitably have sacrificed Denman's interest!

This was the kind of generous construction with which Lord Lyndhurst was doomed to become familiar But nevertheless he did not relax his efforts, along with the Duke of Wellington, to remove from Mr. Denman the ban under which he had so long laboured. It took many months and all the Duke's influence to overcome His Majesty's repugnance. When at last he succeeded, he took care that Mr. Denman should receive the first intimation of the fact, not from himself, but from the Chancellor. This was conveyed in the following letter:

Wimbledon, Sunday. [Nov. 30, 1828.]

Dear Denman,—I am happy to inform you that the difficulties in the way of your obtaining rank at the bar have been *removed.* I have to request that you will meet me to-morrow morning (Monday), at the Duke of Wellington's in Downing Street, *at half-past* ten o'clock. Allow me to express the great satisfaction I feel at the termination of this most unpleasant affair. Ever faithfully yours,

(Signed) LYNDHURST.

"I've got it for you, Denman, but by G— it was the toughest job I ever had!" were the words with which the Duke saluted Mr. Denman, when he appeared in Downing Street. Even while yielding, the King showed that he did so against his own conviction, by endorsing on Mr. Denman's memorial a statement, which, while vindicating his own previous refusal, dexterously insinuated his disbelief of the explanation tendered by the memorialist. "The King," he wrote, "could not believe that the Greek quotation referred to had occurred to the mind of the advocate in the eagerness and heat of argument,"—in this it has been seen the King was right,—"nor that it was not

intended, nor that it had not been sought for and suggested for the purpose of applying to the person of the Sovereign a gross imputation. The King therefore considered it his duty to command the late Chancellor Lord Eldon, and the Lord Chancellor Lyndhurst, never to approach the King with the name of the memorialist." If with these words before him Mr. Denman was not convinced that he had wronged Lord Lyndhurst by suspicion of lukewarmness and insincerity, he certainly ought to have been so.[1]

The death of Canning, and the appointment of Lord Goderich as Premier, made no alteration in Lord Lyndhurst's position. There was no question about his retaining his office as Chancellor. Indeed, by sheer superiority of intellect, and by his intuitive tact and judgment in situations of difficulty, he had acquired such an influence in the councils of his party, that his presence among them was indispensable. It soon became apparent that Lord Goderich was wholly unequal to the task either of keeping together a Cabinet formed of discordant elements, or of holding a firm front in opposition to the powerful Whig combination which was at work to sap its stability from within as well as from without. In the internal disputes of the Cabinet, Lord Lyndhurst seems, if we may judge

[1] On Mr. Denman's mind some feelings far from friendly obviously lingered. When he was appointed Lord Chief Justice by Earl Grey, he writes to his wife that Lord Lyndhurst pretended that he had a promise of the office, "which is a pure fiction," and his biographer emphasises this by stating in a note that Lord Lyndhurst made great efforts to obtain the office. For neither statement is there the shadow of a foundation. Again, in a memorandum quoted by Mr. Denman's biographer (vol. i. p. 363), he speaks of Lord Lyndhurst as "Mephistopheles"—adopting in this a humorous suggestion in a political caricature of the day—an epithet on which Copley's enemies have seized with avidity as expressive of his character. For Denman it is however to be said, that he used it while his party were smarting under a severe political defeat inflicted by Lord Lyndhurst, and that he would probably not have sanctioned its publication as a deliberate expression of his opinion.

from letters to him from Huskisson and others still existing, to have been appealed to as the peacemaker. But the causes of discord were too deeply seated to be removed; springing as they did from absolute discordance of views on such vital subjects as representative and fiscal reforms. Very early the nation lost confidence in a Ministry which it was no secret was not animated by unity of purpose. Lord Goderich, distracted by the difficulties of his position, saw the opening of the Session of 1828 approaching, while he was still unable to make up his mind with what measures to meet Parliament, or whether he ought not at once to throw up the reins of government. To Lord Lyndhurst this state of vacillation was intolerable, and as we learn from the narrative of his colleague, Mr. Herries, then Chancellor of the Exchequer,[1] he told Lord Goderich, "it was essential for the public interest that no time should be lost in representing to the Throne the unfavourable state of the public opinion with respect to the Government, and the apparent want of sufficient support from one branch at least of the Legislature (if not from both) to enable it to meet Parliament with any fair prospect of carrying on the public business with success. He was told that if he, Lord Goderich, did not take that course, his colleague, who was then advising him, would deem it incumbent to adopt it himself." Upon this Lord Goderich's resolution to resign was taken.

It was now nearly the middle of December (1827), and Parliament was to meet at the end of January. Lord Campbell states, without mentioning his authority,—but leaving it to be inferred that it

[1] 'Statement of the events which led to the dissolution of the Administration of Lord Goderich,' quoted in 'Mr. Herries' Life,' by his Son. London, 1880. vol. ii. p. 75.

was Lord Lyndhurst himself,—that Lord Goderich was afraid "to break the matter to the King, who must be much perplexed by being called upon to change his Cabinet a few days before the meeting of Parliament," and that the Chancellor relieved him from the difficulty by saying that if the Premier did not like to face the King in a private audience, he would accompany him to Windsor. Next day, we are told, they went there together, and a very circumstantial account is given of what passed on the occasion. Lord Lyndhurst, always reticent as to what passed either in the King's Closet or in the Council Chamber, was little likely to have furnished Lord Campbell with the particulars of this interview.[1] Some of these, indeed, as given by Lord Campbell, are upon the face of them incredible, such as the King's remark after Lord Lyndhurst had suggested that the Duke of Wellington should be sent for, "Remember, whoever is to be Minister, you, my Lord, must remain my Chancellor." On a matter of this sort the Duke would have brooked no interference, and Lord Lyndhurst was not the man to report to others such an act of unconstitutional interference by the Sovereign with the privileges of his First Minister, had it been attempted. But it suits Lord Campbell's purpose to insinuate that Lord Lyndhurst was forced upon the Duke, who, he says, "knew little of Lord Lyndhurst which he much liked." The fact, however, was, that Lord Lyndhurst was then and always on the best terms with the Duke, and that he owed his continuance in office to the Duke's conviction that he had amply shown his fitness for its duties both upon the

[1] Lord Campbell himself says ('Life of Lyndhurst,' p. 48), that from 1827 down to the time of his becoming in 1841 a member of the House of Peers, personal intercourse between himself and Lord Lyndhurst "almost entirely ceased." How and when could he have learned what was known only to Lord Lyndhurst, Lord Goderich, and the King?

Woolsack and in the Cabinet. The Duke did not hesitate for a moment; and indeed, to whom could he have turned as equally eligible for the office? Or was it likely that he should pass over the man who had suggested himself as the only person to undertake the management of affairs in the then state of parties?

Lord Eldon, it was known, had renounced the Woolsack for ever; and yet Lord Campbell writes that, when he read Lord Lyndhurst's name as Chancellor at the head of the list of the new Ministry, "he was furious." Angry he was, but not on this account. His mortification was that not only had he not been offered a place in the Cabinet, but that he had not even been consulted about the ministerial arrangements. In however high esteem the Duke held the venerable ex-Chancellor, he could not for mere personal friendship risk the introduction into his Cabinet of a man whose opinions were in direct antagonism to those of many of the ablest men on whom the prosperity of the new Ministry depended. His former experience of Lord Eldon had moreover shown him, that neither in the Council Chamber nor in the Senate could the ex-Chancellor be relied upon for serviceable assistance. This is no mere conjecture. The Duke made no secret of the fact among his confidential friends; and when at a later period he was pressed by the King to make the ex-Chancellor Lord President of the Council, he gave this as his reason for declining.[1]

The appointment of Lord Lyndhurst as Chancellor

[1] In the letter of Lord Eldon to his daughter (February 28, 1828) on some expressions in which Lord Campbell's statement is founded, he says, "A lady probably has had something to do with it." The real reason is to be found in the following letter from the Duke to the King ('Wellington Civil Despatches,' vol. v. p. 134):

"Sudborne, October 14, 1828.

"I have well considered your Majesty's motion of calling Lord Eldon to your

was no less agreeable to Mr. Peel than it was to the Duke of Wellington. Nevertheless, Lord Campbell does not hesitate to allege ('Life,' p. 37) that he "had more scruples than the Duke in agreeing to" his appointment, "for he had enjoyed better opportunities of marking his career, *and he reposed no confidence in his sincerity.* It is a curious fact," he adds, "that, although Lyndhurst and Peel sat together in the Cabinet so long, and, after the formation of the Duke of Wellington's Government, never had an open difference, even down to the repeal of the Corn Laws, *they always entertained a considerable personal dislike of each other, which they took very little pains to conceal.*"

These statements, both as to the renewal by the Duke of Lord Lyndhurst's appointment, and as to the opinions which these two eminent men mutually entertained of each other, are absolutely without foundation. The letters from Peel to Lord Lyndhurst which have been preserved are all couched in the most cordial terms, and indicate the utmost confidence and unreserve in their official relations. As to Lord Lyndhurst, we are enabled, by the authority of those who knew him most intimately, to give Lord Campbell's assertion an unqualified contradiction. Peel's cold, unsympathetic manner, his stiffness in opinion, yet want of daring at critical moments, so unlike his own,

---

Majesty's Councils as Lord President; prevailing upon Lord Bathurst to accept the office of Lord Privy Seal.

"Lord Eldon's character, knowledge, and qualities would be a great advantage to any administration. But having been long in the Cabinet with Lord Eldon, I must tell your Majesty that he is very little disposed to take upon himself the lead of, and responsibility for, the measures of the Government, for which he is so highly qualified; and he is as little disposed to support in public the decision to which the majority may have come. I have no personal objection to Lord Eldon, but these habits render him an inconvenient colleague to the Minister who has to conduct your Majesty's business in the House of Lords, and I must add that he would be found much more inconvenient on the Treasury Bench than he was heretofore on the Woolsack."

jarred at times upon Lord Lyndhurst, but he always entertained the highest opinion of his ability and patriotic spirit, and unbroken confidence in the sincerity of his friendship. Happily we have evidence under Peel's own hand how thoroughly this feeling was reciprocated. And, as Lord Campbell's aspersion has been very widely adopted, it may be as well to deal with this evidence at once, although somewhat out of the order of date.

In October, 1840, the office of High Steward of the University of Cambridge having become vacant, Lord Lyttelton was immediately put in nomination for the office. Lord Lyndhurst was then abroad, and his friends, thinking that both by his connection with the University, and by his political and judicial eminence, he was well entitled to the honour, lost no time in submitting his name for it, without waiting to communicate with him. The chairman of his committee was Sir John Beckett, to whom Sir Robert Peel wrote (October 25, 1840) from Drayton Manor, immediately on hearing that Lord Lyndhurst was in the field:

My dear Beckett,—I think you have done quite right in accepting the chair of Lyndhurst's committee.

I have written to those who have consulted me, to say that I think we ought in his absence to presume his consent to stand, and only make the more vigorous exertions for him on account of his absence.

Some persons appear to attach weight to the consideration that Lyndhurst may decline, and that active demonstrations in his favour would thus needlessly offend Lord Lyttelton and ensure his loss to the Conservative party.

I have not much faith in his adherence to it under any circumstances, and, if I had, should consider it a paramount obligation to do all in my power for a man of superior pretensions for the office of Lord Steward, but, above all, for a former colleague and personal friend, with whom in office and

out of office I have always been on the most confidential intercourse in public matters.

Sir Robert Peel, although not a Cambridge man, subsequently sent a cheque for £50 towards the cost of the contest, which ended in a triumphant majority of 485 for Lord Lyndhurst.[1]

Eight years later, Lord Lyndhurst visited Sir Robert Peel at Drayton Manor. How Sir Robert felt towards him is very clearly shown by what he says in a letter written to Mr. F. R. Bonham, M.P., who was not even personally known to Lord Lyndhurst (October 12, 1848), a few days afterwards!

"I was delighted," he writes, "to see Lyndhurst in such good health and spirits, delighted to see him

> In that happier hour
> Of social converse, ill exchanged for power.

"I have had some colleagues with whom I have lived, while in office, on terms of greater personal intimacy, but none whose society was more agreeable, or on whom I could more confidently rely, when real difficulties were to be encountered."

The spontaneous assurance of warm and unbroken personal regard contained in these letters was confirmed to Lady Lyndhurst by Sir Robert Peel during this visit. Walking with him in the gardens at Tamworth, he told her that Lord Lyndhurst was the most agreeable member of a Cabinet he had known. Loyal, considerate, unselfish, his fine temper had been invaluable in reconciling differences whenever they arose among

[1] Here is a letter of the Duke of Wellington's on the same occasion:

"Walmer Castle, October 21, 1840.

"My dear Beckett,—You tell me, as everybody does, 'your influence is extensive.' But I have never discovered that I had either power or influence to do any good in the best times. I will exert any that I find or think that I have to promote the views of Lord Lyndhurst's friends, that he may be honoured as he deserves. "Believe me, ever yours most sincerely,

"(Signed) WELLINGTON."

the members of the Cabinet, and his powerful intellect, courage, and firmness not less so in making things smooth and clear when questions of difficulty arose.

Such were the men who "always entertained a considerable personal dislike of each other, which they took very little pains to conceal"![1]

Two of Lord Lyndhurst's first acts in 1828 were characteristic of that liberal spirit, which never grudged a kindness to a political opponent. In January 1828 he gave a Commissionership of Bankruptcy to young Macaulay, then striving, not very successfully, to make his way at the Bar, and a Canonry at Bristol to Sydney Smith. The former appointment, which was given at the request of Lord Brougham, Mr. Trevelyan writes ('Life of Macaulay,' vol. i. pp. 138–9), was "a rare piece of luck at a time when, as Lord Cockburn tells us, 'a youth of a Tory family, who was discovered to have a leaning towards the doctrines of the Opposition, was considered as a lost son.'" Welcome as the commission avowedly was, Macaulay in writing to his father expresses his delight that it was given during the interregnum between the Goderich and Wellington ministries, "and when the acceptance of it implied no political obligation,"—the very last idea that would have suggested itself to Lord Lyndhurst. To him,

[1] Ignorant of Lord Lyndhurst's private affairs, as he was of his relations to the statesmen with whom he acted, Lord Campbell accuses him (p. 55) of living at this time on a scale of extravagance much beyond his means, giving "dinners in the most splendid style, heightening the effect of the artistic performances of his French cook and Italian confectioner by his own wit and convivial powers." Lord Lyndhurst never had an Italian confectioner. His dinners were such as were expected of a Lord Chancellor. After giving a place to the lie of the "society journals" of that time, that his servants were sheriff's officers in livery, "there being frequent executions in the house," this "honest chronicler" mildly adds his belief that "there was no sufficient foundation for these stories," and this in almost the same sentence in which he says he had heard Lord Lyndhurst declare "he had never incurred debts which he had not the means of satisfying." Sir Benjamin Backbite could not have insinuated a damaging slander with nicer skill.

Macaulay adds, "I of course feel personal gratitude, *and I shall always take care how I speak of him*," a phrase which it is not easy to interpret, unless upon the supposition that a good Whig was bound never to speak well of a Tory leader,—there being no reason in the world why he should not have spoken his honest mind about Lord Lyndhurst as freely after his appointment as before it.[1]

When at the York assizes on a special retainer some years before, Copley had dined at Sydney Smith's house with a large party of lawyers. On this occasion, Lady Holland writes ('Life of Sydney Smith,' p. 131), he "contributed not a little by his powers of conversation to one of the most agreeable dinners I ever remember. Little did we then guess how much he was to contribute hereafter to the happiness and comfort of my father's life." The meeting had not been forgotten by Copley. How he testified his remembrance of it cannot be better told than in Lady Holland's words. (*Ibid.* p. 147.)

On the 24th of January, 1828, Lord Lyndhurst, then Chancellor, although differing entirely from my father in politics, had the real friendliness and courage to brave the opinions and opposition of his own party, and from private friendship and the respect he had for his character and talents, to bestow on him a stall which was then vacant at Bristol. For this promotion he always felt deeply grateful to Lord Lyndhurst, as it was of the greatest importance to him; less in a pecuniary point of view (as rendering *permanent* what was before *temporary*, it rather diminished than increased his previous income), than from breaking that spell which had hitherto kept him down in his profession, and to show the world how well he could fill its duties, wherever placed.

[1] In fact the office had become vacant, and the appointment was given, not as Macaulay says, "while there was no Ministry," but when Lord Goderich was still Premier. Otherwise Lord Lyndhurst could not have appointed to it. Offices which become vacant after the fall of a Ministry are by courtesy always appointed to by their successors.

Nor did Lord Lyndhurst's kindness end here, for in the following year he presented Smith with the living of Combe Florey, near Taunton. Smith's reply (March 25, 1829) was couched in the warmest terms of acknowledgment, ending with the words, "I remain always, with the truest sense of the obligation I owe you, ever yours." The friendship thus cemented continued unbroken to the last. In a letter to the second Lady Lyndhurst (July 2, 1841), thanking her for a gift of the engraving from Lawrence's portrait of the first Lady Lyndhurst, Sydney Smith writes: "She was one of the best and steadiest friends I ever had, and I retain a deep sense of her kindness,—as I do also of that of your most able and agreeable husband, to whom I wish as much of ermines and woolsacks as will contribute to his health, wealth, and happiness."[1]

[1] Speaking on Chancery Reform in the House of Lords (March 31, 1851) and vindicating his predecessors as well as himself from the imputation that they had used their ecclesiastical patronage for party purposes, Lord Lyndhurst said: "It had been felt as a trust of a most sacred nature, and the principle on which I and my predecessors had acted was *detur digniori*. Nothing could be more unpleasant to me than to speak of myself . . . . but after I was entrusted with the Great Seal, it so happened that the first important piece of preferment which I had to dispose of was a prebendal stall at Bristol. Did I give that vacancy to one of my own party? So far from it, I conferred it upon a gentleman who, from his earliest years, had been active in his support of the Whig cause; but I knew him to be a man of great learning—I knew that he was beloved by his parishioners—I knew him to be an excellent parish incumbent. The gentleman to whom I allude is the Rev. Sydney Smith; but he had always been an active Whig partisan, and therefore could not have received patronage from me on any other ground than his real merits." (Hansard, vol. cxv. 776.)

CHAPTER X.

Wellington Administration—Lord Lyndhurst's great Influence in it—Prosecutes for Calumnies—Speeches on Corporation and Tests Acts Repeal Bill—On Roman Catholic Disabilities Bill—Change of views on latter—Reasons for them—Collision with Lord Eldon—Their subsequent reconciliation.

It has been often said that the Tory party, in the changes that took place after the close of Lord Liverpool's Administration, thought of Copley as Prime Minister. He stood so high in favour with the King that this honour was assumed to be quite within his grasp. It has also been said that he cherished the idea himself; and certainly, had such been his ambition, he might easily have put forward his claims when appealed to by George IV. on Lord Goderich's quitting the helm so unexpectedly as he did, and at such an inconvenient moment. But these conjectures —for they were merely conjectures—are only significant as showing the prevailing belief in Copley's commanding ability, and in the closeness of his relations with the leading men of his party. Copley, however, knew himself too well, and at the same time held his leaders in too high esteem, to dream for a moment of placing himself before them. Wellington and Peel, he was well aware, were far more likely than himself to command the confidence of the country, and far better fitted by genius and habits to direct the conduct of public affairs, in the management of which they had, while he had not, been trained. Under and with them he could serve with

honour and satisfaction, for he knew he possessed their entire confidence. To lead them, having himself up to this time taken no prominent place in parliamentary warfare, and little disposed as they would have been to accept a subordinate position, was not to be thought of.

Moreover what Lord Brougham said in speaking of the charge against himself of having striven to turn out Earl Grey in 1834, and to take his place as Prime Minister, applied with no less force to Copley's case. "I could not afford it," he wrote, "without getting into debt, the end of a public man's independence. I could not have lived in Downing Street a single year. ...As for honour, what greater could I have than the Chancellor enjoys?" (Brougham's 'Autobiography,' vol. iii. p. 433.)

This was precisely Copley's position. His years of great success at the bar had been too few to admit of his making a capital, and his current expenses had grown considerably of late, in maintaining an establishment suitable to his position, first as Master of the Rolls, and afterwards as Lord Chancellor. The income of the Chancellor, large as it was, being somewhat over £14,000, was not more than adequate to meet the current expenses of his establishment. These were on a liberal scale; and Lord Lyndhurst, unlike his predecessor on the woolsack, and the majority of eminent lawyers, was careless about money. The old house in George Street was too cramped for one mixing so largely in the great world as he was now called upon to do. He was, however, too deeply attached to it to give it up; so he bought the adjoining house, and by throwing the two into one he made it ample for all the requirements of his high position, and the reception of a very large circle of friends and visitors. The alterations

and additions were designed by himself, and they were made with a skill which showed that in the great lawyer an accomplished architect had been lost.[1]

In those days of keen political antagonism, embittered by personalities to an extent happily long gone out of fashion, there were journalists ready to resort to any foul means of damaging the reputation of men of eminence who were impregnable to assault in their public lives. Lord Lyndhurst was too powerful, and too much dreaded by his political opponents, not to become a favourite mark for calumny and slander. That he was not a man of fortune, and that he saw a good deal of company, were sufficient data to work upon for the creatures who prostituted the press to purposes of denigration and annoyance. He was reported to be ruinously extravagant, to be drowned in debt, to have sheriff's officers in the dress of footmen waiting at his table. Such reports he could afford to treat with contemptuous indifference. Presuming on his forbearance, his calumniators went a step farther. A man so embarrassed as they represented him to be they conceived the public might be persuaded was not likely to be scrupulous as to the means of repairing the ravages of his extravagance. The Chancellor's patronage was large; he must be accused of having made it a source of income. Accordingly one paper, the *Atlas*, charged him with having sold his church appointments. This was carrying matters too far, as the libeller found to his cost. A criminal information was immediately filed against him (June 26, 1829). Lord Lyndhurst, who had all along taken unusual pains

[1] Except for a short period, when he rented a house, now No. 14, in Hyde Park Terrace, Lord Lyndhurst lived in this house till his death. It was then sold for £18,000. The purchaser pulled it down, and built the large and massive structure which now occupies its place.

to investigate the fitness of every person to whom he gave a living, had preserved with scrupulous care not only every application, but every document relating to his appointments. He was thus able to scatter the calumny to the winds; and a conviction of the slanderer followed as a matter of course.

A charge even more preposterous was about the same time made in the *Morning Journal*, of corruption in the distribution of political offices, and in particular of obtaining for Sir Edward Sugden the appointment of Solicitor-General in return for a loan of £30,000. Proceedings were taken against the author, printer, and publisher of this libel, and they were convicted before Lord Tenterden and a special jury on the 22nd of December, 1829.[1]

These are the types of the calumnious attacks to which Lord Lyndhurst was exposed for several years after he rose into prominence in the political world. Only when they touched his honour as a public man did he consider them worthy of notice; but they occasionally took a form which caused him great personal annoyance, although their nature was such as to make it impossible for him to stoop to give them a public denial. Calumnies, once circulated, die very hard, and some of these slanders still linger in the

[1] The particulars of this case will be found in the *Times* of May 30, June 19, and December 22, 1829, and in "Rex *v.* Gutch, Fisher and Alexander" (Moody and Malk. Rep. p. 433). See also 'Greville Memoirs,' vol. ii. p. 258, and Mr. S. C. Hall's 'Retrospect of a Long Life,' vol. i. p. 130. Lord Ellenborough writes, on the 11th of June, 1829 ('Diary,' vol. ii. p. 50), "The world has had imposed on it a story of the Chancellor's *selling* his Church preferment. The *Age* is to bring forward its charges on Sunday next. This is an arrow from the Cumberland [the Duke of Cumberland's] quiver." Again on the 20th of June, "The Chancellor has prosecuted the *Morning Journal* for a libel accusing him of having taken money for Sugden's appointment as Solicitor-General. I heard him tell Lord Bathurst, with reference to another calumny against him, that he had fortunately preserved through his secretary the grounds on which he had given everything he had disposed of."

memories of the puny imitators of Horace Walpole, who fancy, as Macaulay has said, that while they record the gossiping scandals of their time, they are writing history. But as Lord Lyndhurst himself despised them, they may be left to drop with other lumber into "the alms' bag of oblivion."

Although in all measures of importance the Duke of Wellington and Sir Robert Peel leant so greatly upon the counsels of Lord Lyndhurst, that his voice may be said to have been next to theirs the most potential in the Cabinet, he took very little part in the political debates in the House of Lords during the years 1828 and 1829. On the 25th of April, 1828, he spoke in support of the Corporation and Test Acts Repeal Bill. Lord Eldon had proposed an amendment which would have excluded all but Protestants from the benefits of the measure. Speaking against this limitation, Lord Lyndhurst provoked the anger of Lord Eldon, who was little inclined to brook contradiction in an arena where he had long held almost despotic sway, by disputing his law, as well as discrediting his statesmanship. He did this with all his wonted courtesy; but while acknowledging the ex-Chancellor's great legal powers and zeal for the interests of the Church, he concluded his speech by expressing the opinion "that the exercise of those powers and that zeal, in the present instance, was decidedly mischievous." This called up Lord Eldon in a mood of strong excitement, to repudiate the charge of acting mischievously, and to crave a patient hearing from the House, "while he replied to such a charge coming from such a place, and such an authority."[1] In what he said, he did not affect to

[1] These very simple words, which we quote from Hansard, are altered by Lord Campbell in such a way as to convey an offensive innuendo. "Strange that such a charge should be brought against me, and from such a quarter!" is the form into which he casts them.

conceal that his object was to defeat the Bill. This was the very mischief on which Lord Lyndhurst had rested his charge, and he was fully justified in making it, knowing what added bitterness such a result would have caused in the minds of the Roman Catholics, and of the large mass of people throughout the kingdom, who were growing daily more impatient of the disabilities under which their Catholic fellow-subjects were labouring. It is easy, therefore, to imagine the amused smile upon the Chancellor's face as he listened to Lord Eldon's protestations, that "were he called that night to render his account before Heaven, he would go with the consoling reflection that he had never advocated anything mischievous to his country," and that he cast back the Chancellor's imputation "with all the scorn of a man who felt himself injured." The defeat of his amendment did not tend to smooth down Lord Eldon's excitement. The soreness lingered in his mind and broke out in very strong language during the heated debates of the following session on the Catholic Disabilities Removal Bill.

The time was rapidly approaching when the settlement of the Catholic claims could be no longer delayed. Year by year the Government majorities on this question had diminished, and now (May 12, 1828) the House of Commons had, by a majority of six, carried Sir Francis Burdett's resolution, affirming the expediency of "considering the state of the laws affecting His Majesty's Roman Catholic subjects in Great Britain and Ireland, with a view to such a final and conciliatory adjustment as may be conducive to the peace and strength of the United Kingdom, to the stability of the Protestant establishment, and to the general satisfaction and concord of all classes of His Majesty's subjects." Finding himself in a minority on this the most important of domestic questions, Peel's first impulse was to resign,

and he has stated, in the autobiographic 'Memoirs,' published by his trustees (vol. i. p. 103), that he only refrained from doing so in order that he might not endanger the Duke of Wellington's Government, which had been weakened by the secession, not many days before, of Mr. Huskisson, Lord Dudley, Lord Palmerston and others, and because he was convinced that owing to the peculiar combination of parties at the time, no other strong government could be constructed. But it was impossible in the face of the Commons division to delay dealing with the question; and when on the 9th of June Lord Lansdowne moved that the Lords should concur in the resolution of the Commons, although both the Chancellor and the Duke of Wellington spoke strongly against the motion, and it was negatived by a majority of 44, still it was clear from the speeches of both that they felt the time had come when the question must be dealt with by the Government. Both admitted the urgent and serious difficulty in which the country was placed by the violence of the agitation in Ireland, although they did not at present see an outlet from that difficulty. This admission Lord Lansdowne rightly argued indicated a foregone intention on their part to "look at the question with a view to its final arrangement."

The speech of the Chancellor was moderate and conciliatory in its tone; but he in no way drew back from the position he had taken up on former occasions, that the danger of concession lay in the aggressive character of the Romish Church, and in the changes in the relations between Ireland and Great Britain which the possession of a control of the representation would be used to effect.

The proposition, he said, now made was, to admit the Catholics without restriction into the legislature, into all and

every office, and into a full participation of civil and military power. Did they believe, when they had considered all these points, that they should be able to stop short there? Little must he know of the disposition of the Church of Rome to aggrandise itself, and obtain a supremacy in all things, and in all states, who could think so. . . .

I contend that by agreeing to this motion we shall not purchase tranquillity. We shall only give new means to support further claims, which will be urged and backed by the very power we have ourselves conferred. Are your Lordships prepared to bid adieu to the Protestant Church of Ireland? Are you prepared to establish the Catholic religion in its stead? We know that the population of Ireland is Catholic; that three-fourths are of that persuasion; and it may be contended, that it is as just to establish the Catholic religion in Ireland as the Protestant in England, or the Presbyterian in Scotland. Any man who comes to that conclusion I can understand. He acts a consistent part, and may well call upon us to take this step, in order to facilitate the object he has in view. But because I love the Protestant Church of Ireland . . . because I think it the bulwark of the Church of England, I am not willing to forego my support to it, and I cannot grant a Catholic ascendancy in Ireland. . . I have said, that I do not see my way out of the difficulty. I wish to God I did; but I am satisfied that to comply with what is required, instead of diminishing that difficulty, would increase it.

It was obvious throughout the whole of the Chancellor's speech, that he was pressed by the difficulty of depriving, upon religious grounds, the majority of the Irish population of their share in the rights and privileges of their fellow-citizens.[1] The perplexities surrounding the whole question were stated with moderation and frankness. Lord Plunkett, who

[1] What was the state of mind in the Cabinet itself is shown by the entry in Lord Ellenborough's Diary (11th June) the day after the debate—"Cabinet dinner at the Duke's, and the Duke said he believed there was no one who desired the settlement of the Catholic question more than he did; but he confessed he did not see daylight." (Lord Ellenborough's 'Political Diary,' vol. i. p. 143.)

followed him in the debate, while he spoke in warm terms of the Chancellor's "able, temperate, and dignified statement," made light of the apprehensions, which have since been more than verified, of the dangers to the Established Church in Ireland. Could he have shared in these, he said, he, who had "supported these claims almost from the first moment that he could think, would abandon his ancient and confirmed opinions, and become as determined an opponent to concession as he had been its most anxious advocate." He treated the Chancellor's fears of the effects of concession upon the legislative union as equally groundless. In any other country but Ireland they would probably have been so. But in any case the consequences of which England now has experience, and which seem to have been very clearly foreseen by Lord Lyndhurst, were too remote to have much weight against the arguments based on the injustice of excluding a large section of the subjects of the State from the civil rights enjoyed by their fellow-citizens. It was significant that the majority against Lord Lansdowne's motion was only 45, three less than the majority when the subject had last been discussed in the Upper House.

The state of Ireland, verging on rebellion, and the return of Mr. O'Connell for the county of Clare, hitherto regarded as one of the strongholds of Protestantism, one of many indications that the influence of the Protestant gentry throughout Ireland was coming to an end,—compelled the Government to take up the Catholic question, with a view to legislation, early in the next session. Mr. Peel had satisfied himself that concession could no longer be delayed without danger. Most gladly would he have retired from office, and so escaped the embarrassment of promoting a measure which he had long actively resisted, and exposing himself, as he

knew he must, to the "rage of party—the rejection by the University of Oxford, the alienation of private friends—the interruption of family affections."[1] But he placed himself (11th of August) in the hands of the Duke of Wellington, ready to sacrifice "every consideration of private feeling and individual interest" for the public good. The Duke, no less alive to the necessity of the case, who had arrived at substantially the same conclusions as to the measures to be adopted, had, before receiving Mr. Peel's communication, been in conference upon the subject with Lord Lyndhurst. On the 9th of August he wrote to Mr. Peel, saying—

"I will send you a memorandum which I sent to the King on the state of Ireland; the letter which I wrote him at the same time; his answer: a memorandum upon the Roman Catholic question which I have since drawñ; and a letter which I wrote yesterday to the Lord Chancellor. I am to see him again this afternoon," he adds, "and will write you a line before the post goes out; and I hope to hear from you on Monday. I will either then, or this evening with the Lord Chancellor, fix a time at which we shall meet to talk over this subject, previous to my having any further communication with the King." ('Memoirs,' by Sir R. Peel, vol. i. p. 180.)

In a postscript he mentions that he had seen the Chancellor, and the modifications on the Duke's proposals which he had suggested, adding, "The Chancellor and I are going to Windsor on Tuesday. We will afterwards fix a time to meet you."

Mr. Peel in replying to the Duke embodied his views in an elaborate Memorandum, which he said was meant "rather to suggest topics for very full inquiry and consideration, than to express decided opinions on the points raised in it." In reply to his letter the Duke wrote (13th August)—

[1] 'Memoirs,' by Sir Robert Peel, vol. i. pp. 187–88.

I did not answer your letter upon the Roman Catholic question yesterday, as I was obliged to go to Windsor at an early hour, and I wished to communicate what you had written to the Lord Chancellor, whom I was to meet at the Royal Lodge. I will not now pretend to discuss the different topics raised in your letter and paper, but will do so at a future moment, when I shall be more at leisure. In the meantime I tell you that I have communicated your papers to the Chancellor alone. . . . Moreover, I told the King that it should go no farther than to you and the Lord Chancellor in this stage.

He then mentions that, as he is himself going to Cheltenham for a short time, and as it will not be convenient for the Chancellor to enter upon the discussion of the question until some days after finishing his sittings on the 20th in Chancery, he could fix some day in the first week of September for Mr. Peel, the Chancellor, and himself to meet.

Meantime the state of affairs in Ireland was proceeding from bad to worse. The King, however, remained resolute in his resistance to Catholic Emancipation, while his ministers saw every day more clearly that a great national convulsion was inevitable, unless it were conceded. Down to a late period in the year Peel continued to hope he might be allowed to retire, and to give his support to the Government in his private capacity. But finding that the Duke could not do without him, and convinced that if the settlement passed out of the Duke's hands into those of the opposition, the hostility of the King would cause a delay dangerous to the state, he determined to remain. In all the deliberations between the Duke and Mr. Peel, the Lord Chancellor had taken an active part, and his advice had helped to mould the measure, with which they finally resolved to dispose of the question on the meeting of Parliament. The letters above quoted are

in themselves conclusive evidence that this was so,[1] and enable us to judge of the trustworthiness of Lord Campbell's assertion ('Lord Lyndhurst's Life,' p. 70): "I do not think the Chancellor was at all consulted, before the measure of Catholic Emancipation was finally determined upon by the Duke of Wellington and Sir Robert Peel." They, he goes on to assume, might be influenced by convictions based upon the circumstances of the times. Not so Lord Lyndhurst. They might dread "the invectives, the taunts, and the sarcasms," to which this change of policy must expose them. Not so Lord Lyndhurst. He was insensible to such assaults, and "prepared to turn them off with a laugh and boldly to retaliate on all who should assail him." So probable was it, that a man of whom such things could be said with truth would have been admitted to the intimate counsels and friendship of Wellington and Peel.[2] Lord Lyndhurst knew very well, as they did, that they would have to encounter a storm of obloquy and sarcasm for a change of policy so marked; but, like them, he was nerved to face it by the profound conviction that in no other way could a great public danger be averted.

[1] It would be easy to multiply the proofs of the fact. Thus Lord Ellenborough in his 'Diary,' vol. i. p. 284, writes (December 27)—"I had some serious conversation with the Chancellor about the Catholic question. He says the Duke must see the King soon, and tell him what he wishes to do. The Chancellor expects the King will send for him and Peel. The Chancellor will tell His Majesty it is much better to concede quietly and with good terms what cannot be prevented—that, if the Ministers meet the question and are beat, as they would be, they must go out, and His Majesty would only be able to find Ministers resolved to carry the measure in any manner." Then, showing that the question of Peel's retirement was still unsettled, he adds, "The Chancellor thinks Peel will not be a member of the Government which brings forward the question."

[2] One of H. B.'s caricatures issued at this time indicates the prevailing opinion that the Chancellor had a potential voice in the Cabinet Councils. It shows him seated at a table writing the King's Speech with a preoccupied, but quite unembarrassed air, while Wellington and Peel, seated at opposite sides of the table, are made to look as if they had given up the task in despair.

On the 5th of February, 1829, Parliament met, and the King's speech, though as usual guarded in its language, gave no uncertain note as to the intentions of the Government. The state of Ireland, it said, had been the object of His Majesty's continued solicitude. It called attention to the action of the Catholic Association, as "dangerous to the public peace and inconsistent with the spirit of the Constitution," and calculated "if permitted to continue, effectually to obstruct every effort permanently to improve the condition of Ireland," and asked for the necessary powers to put it down. It went on to recommend that, when this should have been accomplished, Parliament should "take into its deliberate consideration the whole condition of Ireland, and review the laws which imposed civil disabilities on His Majesty's Roman Catholic subjects."

The King had with great difficulty been prevailed upon to assent to the terms of this speech. When the Duke of Wellington in an interview with him (27th of February) explained the nature of the measures for giving it effect, he was extremely agitated, and even spoke of abdicating. The interview was altogether a very painful one. For some days His Majesty's mind seems to have remained in a state of vacillation most embarrassing to the Ministry, who were determined not to act unless they had his express approval to their measures. On the 3rd of March he sent for the Duke of Wellington, the Chancellor, and Mr. Peel[1] to come to him together. The details of the Relief Bill were explained to him by Mr. Peel. To one of these, the alteration of the Oath of Supremacy, he declared he could never

[1] Mr. Peel, who had resigned his seat for Oxford to give his constituents the opportunity of saying whether they would support him in his change of views on the Catholic question, was opposed by Sir R. Inglis and defeated by a majority of 126. He was then returned for Westbury, and took his seat in the House on the 3rd of March.

consent—that he had given his sanction to the proceedings of his Ministry under a misapprehension on this point, and had no alternative but to retract his consent. "After this explanation of my feelings," he continued, "what course do you propose to take as my ministers?" One by one, Mr. Peel first, then the Duke of Wellington, and then the Chancellor, they requested His Majesty to accept the resignation of their offices. The interview extended over five hours, and the ministers returned to London under the full persuasion that the Government was dissolved, at least that they individually were no longer in the service of the Crown. "On our return to London," writes Sir Robert Peel ('Memoirs,' vol. i. p. 449), "we found our colleagues, who were assembled at a Cabinet dinner (I think at Lord Bathurst's), and announced to their infinite astonishment, that we had ceased to be members of the Government."

By the next day the King had thought better of his decision, and wrote to the Duke of Wellington, that he could not dispense with the services of his present Administration, and must request that the resignations tendered the previous day might be withdrawn. After this escapade, it was determined that no fresh loophole for "misunderstanding" should be left open. The Duke therefore wrote to the King for express authority to assure Parliament that the contemplated measures were proposed with His Majesty's entire consent and sanction. This brought an answer from the King, giving the Cabinet full authority to proceed with their measures.

The next day (5th March) Mr. Peel, in a powerful speech, more than four hours in length, listened to, according to Hansard, "with the most profound attention," while at times "the cheers were so loud as to

be heard in Westminster Hall," moved that "the House resolve itself into a Committee of the whole House, to consider of the laws imposing" these Civil Disabilities. After a two nights' debate this motion was carried by a majority of 348 to 160. The Committee of the whole House three days afterwards passed a resolution that it was expedient to provide for the repeal of the disabling laws, with certain provisions for the security of the Establishments in Church and State. A Bill was immediately introduced for the purpose, which reached its third reading on the 30th of March, when it was carried by a majority of 320 to 142.

"While this Bill," Lord Campbell writes (p. 60), "was making progress in the House of Commons there were, from the commencement of the session, nightly skirmishes in the House of Lords on the presentation of petitions for and against the measure. The Chancellor sometimes mixed in these, and received painful scratches." The Chancellor, on the contrary, sedulously abstained, as might have been expected, from taking part in these angry interlocutory discussions, leaving them to those who were not to be charged, as he was, with ministerial responsibility for the advocacy of the measure on its coming up from the other House. He spoke, in fact, only *once* on the subject of these petitions (February 27, 1829), and then simply to move the appointment of a committee to examine a complaint made by the Marquis of Downshire, that a petition purporting to be signed by Alderman Watson, of Limerick, was a forgery. Not having mingled in the fray therefore, whoever may have received painful scratches the Chancellor certainly received none.

But, having ventured on the statement, Lord Campbell goes on to manufacture proofs of it.

"Lord Eldon," he says, "presenting an anti-Catholic petition

from the Company of Tailors at Glasgow, the Chancellor, still sitting on the Woolsack, said in a stage whisper, loud enough to be heard in the galleries: 'What! do *tailors* trouble themselves with such *measures?*'

"*Lord Eldon.*—'My noble and learned friend might have been aware that *tailors* cannot like *turncoats.*' (A loud laugh.)"

Not a word of this is to be found in Hansard, where so good a repartee in "a stage whisper, loud enough to be heard in the galleries" would have been sure to be chronicled. The story is obviously borrowed from Twiss's 'Life of Eldon' (vol. ii. p. 226, 3rd ed.), where it is given as one Lord Eldon himself used to relate, not of Lord Lyndhurst, but of Lord King! Here are Mr. Twiss's words: "When he (Lord Eldon) laid it (the Glasgow Petition) on the table, Lord King, who was very zealous for the Bill, cried out, 'What! do the tailors trouble themselves about such a charge?' 'No wonder,' replied Lord Eldon; 'you can't suppose that tailors like turncoats!'" Lord King, a man not without wit himself, who was continually teasing Lord Eldon at this time, and who, having been one of those who had formerly resisted Catholic Emancipation, was fairly open to the ex-Chancellor's rejoinder, shared no doubt in the mirth which it provoked; so also, if it reached him, would Lord Lyndhurst beyond all question have done, for no man had a heartier enjoyment of a good repartee. For Lord Campbell coolly to apply the sarcasm to the Chancellor for an obviously malignant purpose, is bad enough. But in the very next sentences of his book, he is again guilty of the more serious delinquency of falsifying Hansard with the same object.

"On a subsequent day," he says, "the Chancellor charged Lord Eldon with insidiously insinuating, when presenting

petitions against the Roman Catholics, that they were not loyal subjects, and that they were unwilling to swear that they would support the Protestant succession to the Crown.

"Lord Eldon.—'*My Lords, I am not in the habit of insinuating—what I think, I avow. And, my Lords, I am an open not an insidious enemy, when I feel it my duty to oppose any measure, or any man.* My character, known to my country for more than fifty years, is, I feel, more than sufficient to repel so unfounded an insinuation. *It is equally unnecessary that I should criticise the career of my accuser.*'"

Lord Campbell gives this speech of Lord Eldon's as a quotation from 20 Hansard, N.S., 1827, but discreetly omits a reference to the page. He might well do so. What was actually said is given on p. 1042 of the volume referred to,[1] and there not a trace will be found of the words which we have printed in italics.

No time was lost in pressing on the discussion of the Catholic Relief Bill in the House of Lords. It was brought in upon the 21st of March, and on the 2nd of April the debate on the second reading was opened by the Duke of Wellington. In his speech, both on this occasion and in concluding the debate, he grappled boldly with the charges of inconsistency levelled against himself and his coadjutors. There was something higher, he said, than personal consistency to be thought of by a Minister charged with the responsibility of government. Things had come to such a state in Ireland that government had become impossible without such coercive measures as would have resulted in civil war. His duty was to consider how such a state of things could be cured, and to abandon without hesitation any

[1] This is what actually appears in Hansard:—"He would not answer what had fallen from the noble and learned Lord on the Woolsack. If that noble and learned Lord said that his (Lord Eldon's) honest opinions were uttered with an insidious design, his character—known to his country for more than fifty years—was, he felt, more than sufficient to repel so unfounded an insinuation."—20 Hansard, N.S., 1042, March 13.

formerly expressed views, if satisfied that they stood in the way of an effective remedy.

"My Lords," he said, "I admit that many of my colleagues, as well as myself, did on former occasions vote against a measure of a similar description with this; and, my Lords, I must say that my colleagues and myself felt, when we adopted this measure, that we should be sacrificing ourselves and our popularity to what we felt to be our duty to our Sovereign and our country. We knew very well that if we had chosen to put ourselves at the head of the Protestant cry of 'No Popery!' we should be much more popular even than those who have excited against us that very cry. But we felt that in so doing we should have left on the interests of the country a burden, which must end in bearing them down, and further that we should have deserved the hate and execration of our countrymen." (Hansard, N.S., vol. xxi. 391.)

Not less frank and fearless was the attitude taken up by Lord Lyndhurst. Before entering at large upon the question raised by the Bill, he asked leave to detain the House for a little, while he spoke of matters which concerned himself personally.

The noble and learned Lord (Eldon) at the table—I call him the noble and learned *Lord*, because he has declared that he will not allow me to call him my noble and learned *friend*—directed me on a former night to vindicate my own consistency. My Lords, I readily accept the challenge. On two occasions, and on two occasions only, have I addressed either House of Parliament on this subject. . . On both these occasions I stated that which had been the constant principle of my conduct, and said that, if concessions to the Roman Catholics could be made, consistently with the security of the Protestant Established Church, and consistently with the great interests of the empire, I considered we were bound to make them. I stated this, my Lords, so unequivocally, so explicitly, that I thought it was impossible I could be misunderstood. My Lords, I was not misunderstood, because I have reason to believe that the ground I took was not

congenial to those who were opposed to concession; that it was thought I had not taken ground sufficiently high, and that I had not been sufficiently transcendent in the view I took; and, being at that time the representative of the University of Cambridge, some of my constituents complained of the course I had taken. They were of opinion that no sacrifice ought to be made—that under no circumstances ought concessions to be granted; and I believe they were dissatisfied with me for hinting even at the possibility of a satisfactory adjustment of this question. That I held the same language in the last Session of Parliament which I held in the House of Commons, I may safely appeal to your Lordships who heard me.

But, my Lords, there has been another charge made against me. . . . I have been charged with having forgotten, with having violated the sacred oath I took, when I was appointed to the high situation which I have now the honour to fill. My Lords, the terms of that oath are deeply impressed upon my mind; they are, "that I will truly counsel the King." I have deeply considered the obligation this oath imposed upon me, and, after much deliberation, the result has been that I came to a firm conclusion in my own mind that if the stability of the empire were to me, as it ought to be, an object of deep and intense interest, Ireland must be tranquillised, and that it was impossible for me not to give the counsel which I have given to my Sovereign. Have I then violated the oath I took? No, my Lords; it was because I felt myself bound by the obligation of that oath—because I felt it an imperious duty—because I was grateful to my King for the benefits I have received at his hands—it was for these reasons that I gave that counsel in which an ill-constituted and ill-directed mind has been able to discover a violation of my obligation to counsel the King truly. The most bitter opprobrium has been cast upon me. I have been assailed with revilings in the most unmeasured and in the coarsest terms. But, my Lords, when I bear in mind that the individual to whom I allude stated in the same breath, that he would not take the state of Ireland at all into his consideration, I look upon what proceeded from him rather as the ravings of a disordered imagination, than as emanations from an enlightened and

sagacious understanding. And now, my Lords, I pass from this subject, never again to revert to it.

The individual here referred to was Sir Charles Wetherell, who had attacked Lord Lyndhurst in the debate on the second reading of the Bill in the House of Commons (18th March), in terms which justified the epithets applied to them by Lord Lyndhurst. This was notorious, and yet Lord Campbell speaks of the charge, to which the Chancellor referred, as a "supposed charge, which he feigned for the purpose of answering it!" ('Life,' p. 62.)

The Chancellor then proceeded to state, that since he had become one of the responsible advisers of the Crown, his attention had been repeatedly directed to the state of Ireland in a way it had never been before. This he found to be such as could not possibly be allowed to continue. How then was it to be ameliorated? Civil disabilities and proscription had produced nothing but discontent, turbulence and disorder. Was it not, then, his duty to consider if conciliation should not be tried where severity had failed, and if we could not make the Irish people our friends by admitting them to the full benefits and privileges of the Constitution?

Lord Lyndhurst had hitherto listened in silence, through many weeks, to the assaults of Lord Eldon upon himself and the other members of the Government for their change of policy, of which more was sure to be heard from the ex-Chancellor in the course of the debate. But now he seized the opportunity of making a point against him, which told well with the House:

"When," he continued, "I was called upon to act as a responsible adviser of the Crown, I possessed the means of arriving

at information which was not before within my reach, and of which it was my duty to avail myself in giving that advice to the Crown, which it will ever be my pride and consolation to reflect on having given. Now the noble and learned Lord (Eldon) at the table had for five and twenty years been the responsible adviser of the Crown. During the whole of that time he saw the distracted state of Ireland, and yet he applied no remedy to the evil. On the contrary, it was under the administration of which that noble and learned Lord was a member that the situation of Ireland descended from bad to worse. He did not suggest any line of policy which wise and considerate statesmen ought to have adopted, to put an end to the manifold disorders that afflicted that country. But now he came forward to oppose, with his utmost force, that which was recommended by His Majesty's Ministers. In unison with my noble and honourable colleagues, I have suggested a course which I hope will lead to the termination of those mischiefs, and give to the people of Ireland tranquillity and prosperity. I am not one of those who would support an ancient system, merely for the purpose of upholding the preponderance of a party. . . . I do not mean to say that cases of extreme necessity might not arise, where there was a nice balance between evils, which would for a time render decision difficult; but that for a period of twenty years such a system was allowed to go on, appears to me most extraordinary and unprecedented. This unsatisfactory state of things, however, led to the measure which was now before their Lordships."

He then adverted to the Bill brought in for the relief of the Roman Catholics in 1791, when Lord Eldon was Attorney-General, and when Lord Redesdale, then Solicitor-General, said of it that its only fault was that it did not go far enough, without a word of objection from the Attorney-General, who was sitting by his side. Again in 1792, when by an Act of the Irish Parliament all the disabilities of the Roman Catholics were removed, they were allowed to become magistrates—the army and navy were thrown open to

them, and the elective franchise was extended to them. Here Lord Eldon broke in with the exclamation, "I had nothing to do with that!" when the Chancellor continued, with telling effect—

> If in his capacity of Attorney-General the noble and learned Lord came to the knowledge of anything that was likely to prove injurious to the Crown, or dangerous to the Constitution of the country, he was, according to his own showing, bound to state it. But he took no notice of this Act, which conferred such extensive powers on the Roman Catholics, although he was Attorney-General. In the year 1793, another Act was passed by the English Parliament, which extended to the Roman Catholics of Scotland all the benefits and advantages of the Act of 1791; and this Act, like the others, met with no opposition from the noble and learned Lord. He entered no protest, he made no complaint, he offered no remonstrance.

He then went on to strengthen his position by reference to subsequent Acts passed, as he said, "under the patronage of the noble and learned Lord," which had given relief to the Roman Catholics of England and Scotland, and thrown open to them the army, the navy, the customs and excise. "If," he adroitly concluded, "the noble and learned Lord had continued for some time longer in office, he doubtless would have found it necessary fully to accomplish the work he had thus auspiciously begun, and would have admitted the Roman Catholics into Parliament."

As he proceeded, Lord Lyndhurst frankly owned that he had formerly overrated the dangers likely to result from concession. It was on this side that he was chiefly vulnerable, considering in what strong terms his apprehensions of danger to the Irish Church, and to the Legislature, had on former occasions been expressed. In the meantime it appeared he had been extending his historical reading, and turned it to

account in dealing with the argument of some of the opponents of the measure, that we had been a Protestant Government for not much more than a century.

"Now I contend," he said, "that a Protestant Government has existed in this country from the period of Elizabeth down to that of William III.; and it is worthy of remark, that during a century of that time Roman Catholics sat in Parliament and held offices under the Crown. . . . During this period, for a whole century, there was no law to prevent Catholic Peers from sitting in this House; and, with respect to the House of Commons, if a Roman Catholic took the Oath of Supremacy, there was nothing to prevent him from taking his seat there. That Roman Catholics could and did sit in the House of Commons at that time is quite clear. It is proved by the speech of Colonel Birch, who, in the course of his argument in the House of Commons, in the time of Charles II., said: 'Will you, at one step, turn out of both Houses of Parliament so many members?'—evidently alluding to the Roman Catholics. I state this as one out of many facts—facts that never were disputed—to show that the Roman Catholics sat in Parliament under our Protestant government.

"*Lord Eldon.*—'Did the noble and learned Lord know this last year?'

"*The Lord Chancellor.*—'I did not; but I have since been prosecuting my studies. I have advanced in knowledge, and, in my opinion, even the noble and learned Lord might improve himself in the same way.'"

Lord Eldon did not again interrupt the speaker, who had carried the House warmly along with him up to this point. The promptitude of this rejoinder, bored as their Lordships had been for weeks by the dreary jeremiads of Lord Eldon on the perils impending over the reign of Protestantism in Great Britain, gave the Chancellor a further hold on their attention. His speech covered every argument of importance bearing upon the measure. As he himself said, the subject had already been so thoroughly exhausted, that nothing

new was to be said upon it. But at no time, it was felt, had the old arguments and reasonings been more strikingly or convincingly put; and the House, which had listened with unflagging attention, cheered him loudly as he sat down, having closed his address with the words—

I care not for the personal obloquy which may be cast upon me for advocating this measure; I have discharged my duty fearlessly and conscientiously, and to the best of my ability, and my most anxious desire, as it would be my greatest consolation, is to be associated with your Lordships in carrying this Bill into a law, and thereby to secure upon a permanent basis the happiness and tranquillity of the United Kingdom.

"The Chancellor made a very fine speech last night," Mr. Charles Greville writes in his 'Diary' (4th April).[1] The previous day, Lord Ellenborough chronicles, "The Chancellor spoke admirably, endeavouring to bring up Eldon, but the old man would not move. He wanted more time to consider his answer, by which he will not improve it." On the 4th Lord Eldon spoke, making, says Lord Ellenborough, "a very weak, inefficient, powerless speech. He seemed beaten, and in some respects his memory had failed him." Mr. Greville, recording the current opinion of the day, says, "Old Eldon was completely beat, and could make no fight at all; his speech was wretched, they say, for I did not hear it."[2] He made the most, as might be expected, of the Chancellor's

[1] Of this fine speech Lord Campbell has only to say, that the Chancellor 'acquitted himself very dexterously by *abstaining from any profession of sincerity*, by quietly trying to show that he had been a very consistent politician, *by assuming a tone of ribaldry*" (an astounding assertion), "and by bringing a charge of inconsistency against Lord Eldon."

[2] Lord Ellenborough's 'Diary,' vol. ii. pp. 3, 5. 'The Greville Memoirs,' vol. i. pp. 198-9.

surrender of his former views, but the sting had been taken by anticipation out of any such attack by the candid avowal of this change, and by the reasons for it, contained in the Chancellor's speech. The House was not disposed to attach much value to what Sir Robert Peel has called "a false consistency, which inflexibly adheres to an opinion once pronounced, though altered circumstances may justify and demand the modification or abandonment of it." ('Memoirs,' vol. i. p. 365.)

The same night the second reading of the Bill was carried by a majority of 105 in a very full house. In the course of the discussion upon the clauses of the Bill (April 7), Lord Lyndhurst was provoked by Lord Eldon into speaking with an asperity, which was remarkable in a man of his fine temper and habitual courtesy. He may have been influenced in some degree by the knowledge that Lord Eldon was using at this time his influence with the King to cause embarrassment to the Ministry: but he was sufficiently justified by the fact that the ex-Chancellor was not fighting fairly within the House itself. He had stated that "he had not been able to find that the Catholics would admit the Established Church of this country to be a part of the Christian Church." Little as Lord Lyndhurst then or ever liked the tenets, religious or political, of the Romish Church, this was more than he could patiently endure from one who affected so much judicial impartiality, and claimed to speak with so much authority. It was easy to disprove the assertion out of the mouths of Catholics themselves, and the Chancellor did so in a few vigorous sentences. Lord Eldon had also asserted that it was impossible for any one who had taken the Oath of Supremacy to fulfil its obligations if he admitted to parliamentary privileges a

body of persons in this country who acknowledge any foreign spiritual power. "How," he had said, "can I take this oath under such circumstances?"

"I answer," said the Chancellor, "it is not for me to reconcile this to him: it is not for me to mediate between the oath and the noble and learned Lord's conscience. The law so stands, and he has taken the oath notwithstanding. By the law, persons are allowed to acknowledge foreign power in spiritual matters; and with the knowledge of this law the noble and learned Lord has taken an oath, which he now finds it difficult to reconcile with that fact. In 1791, a period to which the noble and learned Lord will not direct his attention, an Act was framed by a noble and learned Lord (Redesdale), and that Act contains an oath on which the terms of the oath in the Bill before us is founded. The noble and learned Lord must know that not a single Catholic can enjoy any rights or privileges, without being subject to the penal code, unless he take that oath. He has, however, lost all recollection of this Act; although at this moment, and he knows it, it screens the Catholics from the horrible severity of the penal laws. Now, my Lords, are we to be overborne by the talent, the learning, and the name of the noble and learned Lord, who comes down here and deals with subjects of so much importance in this way? How stands the case? Persons are now admitted to certain offices, rights, and privileges upon taking this oath. Does this infringe any principle of the Constitution? Is this a violation of any moral duty? No. It has been the law for many years. Everybody approves of it. Well, then, what does the Bill before us do? It does but extend these privileges; it merely allows a greater community of privileges. When we get rid of the obscurity in which it is so industriously sought to envelope the subject . . . the objection is too extravagantly absurd to be entertained by any reasonable men." (Hansard, N.S., vol. xxi. 509.)

In reply, Lord Eldon did not attempt to answer the Chancellor's argument. It would have been difficult to do so; so he fell back upon the somewhat futile stratagem of personal retort.

"I have now," he said, "been twenty-seven years in this House, and I have on all public questions spoken the opinions I entertained, perhaps in stronger language than was warranted; but I have now to tell the noble and learned Lord on the woolsack that I have never borne down the House, and I will not now be borne down by him nor twenty such."

The House itself, however, to all appearance was very much of Lord Lyndhurst's opinion. "Last night," says Mr. Charles Greville, "old Eldon got a dressing again from the Chancellor." Some people of course took a less favourable view. Lord Ellenborough writes (11th April), "Dr. Clarke and H. Fane both spoke of the Chancellor's speech in attack upon Eldon, as in bad taste and offensive. Not having heard Eldon," he adds, "they cannot know how very mischievous and disingenuous he was."

In the debate on the third reading of the Bill Lord Lyndhurst took no part. It was carried by a majority of 104, after one night's discussion, during which Lord Eldon again spoke. Some management was necessary to secure the King's consent to its passing. Several other Bills had been purposely kept back, that they might be included in the same Commission with it. The Chancellor, in sending them, represented the importance of avoiding further delay, calling the King's attention at the same time to the Relief Bill; and the King, on sending them back, with the Commission signed, thanked him for having called his attention to the Bill, "and said he gave his assent reluctantly." (Ellenborough's 'Diary,' vol. ii. p. 13.) Lord Eldon, who had been filled with hope, by what had passed in recent interviews between himself and the King, that the Royal Assent would have been refused, wrote to his daughter next day (14th April), "The fatal Bills

received the Royal Assent yesterday afternoon. After all I had heard in my visits, not a day's delay! God bless us, and His Church!" ('Life,' vol. ii. p. 235.)

It was characteristic of Lord Lyndhurst's urbanity that he sought an early opportunity of soothing the wounded feelings of the venerable ex-Chancellor. It naturally presented itself in bringing in (12th May) a Bill for relieving the block in Chancery business by the appointment of a new Equity Judge,[1] when he vindicated the ex-Chancellor from the responsibility of delays which were due to the defects of the system he had had to administer, and pronounced the panegyric upon his great judicial powers, which has been already cited (*ante*, *note*, p. 210). "The wonder of the day," writes Lord Ellenborough, "is that Lord Eldon should have lived to hear a Chancellor so expose the errors of the Court of Chancery as they were exposed by Lord Lyndhurst to-day." Lord Eldon, however, was obviously touched by kind words where probably he had little expected them, and accepted the offer of reconciliation thus generously tendered, saying that, whatever might have been their political differences, "he was not the person unwilling to be reconciled, particularly when in that much more justice had been done to him than he deserved." The short-lived alienation was forgotten, and the letters still in existence from Lord Eldon to Lord Lyndhurst show that they resumed their former habits of friendly intercourse.

[1] The Bill passed the third reading in the Lords; but, owing to the lateness of the Session, and the threat of a formidable opposition in the House of Commons, the question was postponed to the following year.

CHAPTER XI.

Fall of Wellington Administration—Lyndhurst appointed Chief Baron of Exchequer—Correspondence on the Occasion with Wellington and others—Raises the Reputation of his Court—His Qualities as a Judge—Case of Small *v.* Attwood—Reform Bill Agitation—Second Reform Bill rejected by House of Lords—Lyndhurst's Speech—Third Reform Bill—Ministry resign, and resume Office on failure of Wellington to form Administration—Reform Bill passed.

FROM this time down to the fall of the Duke of Wellington's Administration, Lord Lyndhurst took no part in any of the political debates, confining himself in the House of Lords to the introduction and support of various measures of legal reform. He was, however, no indifferent observer of the stirring events by which Europe was agitated at this period, and thoroughly appreciated the impulse given by the French Revolution of 1830 to the demand for Reform of Parliamentary Representation. That a very considerable measure of reform was necessary, he had no doubt; and in his speeches in opposition to Earl Grey's successive Bills he made no secret of this conviction. In common with all the ablest men of his party, he must therefore have regarded with surprise and dismay the Duke of Wellington's declaration in the debate on the Address in answer to the King's speech (2nd of November, 1830), that not only was the Government totally unprepared with any plan of reform, but that he "never heard or read of any measure up to the present moment which

could in any degree satisfy his mind that the state of the representation could be improved, or be rendered more satisfactory to the country at large, than at the present moment." (Hansard, 3rd series, vol. i. p. 52.) When the Duke sat down, the murmur of surprise and vehement comment among his own friends was so loud, that according to Earl Russell ('Recollections,' p. 62) he asked a colleague what it meant. "You have announced the fall of your Government, that is all!" was the reply. The colleague is believed to have been Lord Lyndhurst.[1]

The shock thus given to a Ministry, which, partly owing to its internal weakness, partly to the alienation of the extreme members of their party which they had caused by their measure for the repeal of the Catholic disabilities, had already begun to totter, was soon followed by its actual downfall. A few nights afterwards (15th of November) it was placed in a minority of 29 in an unimportant division in the House of Commons upon the Civil List. This, with what had gone before, showed the Duke of Wellington so plainly that he had lost his hold upon his party, that he tendered his resignation, and Earl Grey was authorised the same day (16th of November) to form a Ministry.

Lord Lyndhurst, of course, followed the fortunes of his leader. He would never have consented to do otherwise, for he was too much attached to the Duke of Wellington, and knew himself to be too little in sympathy with the views of Earl Grey upon the question of Reform, to have accepted the Chancellorship under him even if it had been tendered. But in

[1] Lord Brougham says that in an interview which he had with William IV. on the 28th November, 1831, the King said, "that, except the Duke of Wellington, every one of the last Government, when he saw them on resigning, had stated their belief that some reform was necessary." ('Memoirs,' vol. iii. p. 146.)

truth the idea of offering it was for the same reason as far distant from Earl Grey's mind as it was from Lord Lyndhurst's, intimate as the friendship was which subsisted between them. The only person thought of for the office was Sir John Leach, who was eager for it, and would have resigned the Mastership of the Rolls to make way for Brougham, an arrangement with which Brougham would have been well content. But it is now known that the King, acting upon the advice of the Duke of Wellington not to allow Brougham to remain in a position where, being still in the House of Commons, he would have been too powerful for any Government, suggested (18th of November) that the Great Seal should be offered to Brougham, who accepted it with reluctance.[1]

The contingency had now arisen which Lord Lyndhurst had anticipated when he accepted the Chancellorship. His income was reduced to his retiring pension of £4000 a year, and, what was worse to a man who loved his profession as he did, he was thrown idle upon the world. The loss to the State of his fine judicial powers was also serious, and it was therefore wise policy, no less than personal friendship, which led Earl Grey to think of offering him the appointment of Chief Baron, which appeared likely to become speedily vacant by the resignation of Sir William Alexander. The following note by himself

[1] "I make no doubt," Lord Campbell writes in his 'Diary' (Nov. 16th), "that Copley will try to intrigue and keep the Great Seal." The very next day he is forced to record, "The Chancellor is *out* as well as his colleagues" (Campbell's 'Life,' vol. i. pp. 485–488). Knowing absolutely nothing of Lord Lyndhurst's action at the time, he invents the suggestion ('Life,' p. 68) that he "was not without hopes that he might have continued" to hold his office under Earl Grey, and that "he would have been very ready to coalesce with the new Whig Government." Brougham, who knew Lord Lyndhurst well, says ('Autobiography,' vol. ii. p. 85), in speaking of his opinions at this time, that he was "bitterly hostile to the Government, and certain to oppose them."

to Lady Lyndhurst (without date) shows that this offer came unsolicited—

My dearest Wife,—I have been offered, as I anticipated, the office of Chief Baron. The salary is £7000 a year; but it is going so many steps backwards, and I should be subjected to so much obloquy and abuse, if I accepted it, that I think I had better decline it. I have taken time to consider. I shall probably give my answer to-morrow.

The appointment, being judicial, rested with the Chancellor, and on the 6th of December Earl Grey wrote to Lord Brougham, mentioning the probability of a vacancy, and that he believed, on what appeared good grounds, though he had had no communication with him of any kind, that Lord Lyndhurst would accept the appointment. "I lose no time, therefore," he added, "in expressing my anxiety, if the opening should occur, to make this arrangement. It would be creditable to the Government in placing a most effective judge on the bench; it would contribute materially to our ease and comfort in the House of Lords; it would be gratifying to my feelings of personal kindness to Lyndhurst; and it would save Lyndhurst's pension to the public—no immaterial consideration in these times."

Lord Brougham, while he felt assured that his party might look forward with certainty to having Lord Lyndhurst for their bitter opponent in the House of Lords, whatever Earl Grey might think to the contrary, at once fell in with Earl Grey's wishes, because, as he says, "I was doing a great thing for the profession and the country." In his reply to Earl Grey (7th December), he gave as an additional reason, "Lyndhurst is an old and valued friend of my own, so that nothing could more gratify me than doing anything he may like,[1] and though I place a rival near

[1] At this time, according to Lord Campbell ('Life,' p. 72), there was "a great enmity between" Brougham and Lyndhurst!

me, and enable him to make a great judicial reputation, that is all the better for the country and the Government."

Before accepting the offer so cordially made, Lord Lyndhurst felt it to be his duty to consult his leading colleagues in the last ministry. To the Duke of Wellington he wrote—

My dear Duke of Wellington,—Lord Grey has offered me the appointment of Chief Baron of the Exchequer, which is about to become vacant. He offers it as a judicial office, wholly unconnected with politics, and upon an express engagement that it is not to be considered as binding me in any way to support his Government. My dear Duke, very truly yours,

(Signed) LYNDHURST.

The Duke's answer was prompt (8th December) and to the point. "You know," he wrote, "how well I wish you; and how happy I shall be at any arrangement which can tend to your convenience and advantage." The replies of Sir Robert Peel and Lord Aberdeen to the letters sent to them at the same time by Lord Lyndhurst were in the same strain. Sir Robert Peel wrote—

Whitehall Gardens, December 9, 1830.

My dear Lord Lyndhurst,—I have just got your note. Whatever decision you may form with respect to the offer which has been made to you, be assured that you will have my warmest wishes that it may promote your happiness. Believe me ever, with sincere regards, very faithfully yours,

(Signed) ROBERT PEEL.

From Lord Aberdeen came the following reply—

Argyll House, December 9, 1830.

My dear Lord,—I hope you are persuaded that your appointment to any situation, which you felt you could with propriety accept, would give me sincere pleasure, however

much I might regret the consequent diminution of your political activity. In the present case, the explanations to which you refer are calculated to remove many of the difficulties which must naturally have suggested themselves to your mind, before you could have felt disposed to entertain the proposition which has been made to you. Believe me, my dear Lord, ever most truly yours,

(Signed) ABERDEEN.

Owing to certain difficulties about his resignation, raised by Sir William Alexander, it was not till the 12th of January, 1831, that Earl Grey was able to inform Lord Lyndhurst that his name had been submitted to the King for his approval. "I beg you to be assured," he wrote, "that nothing could have given me greater pleasure than the conclusion of an arrangement which I hope will prove as satisfactory to yourself as I am confident it will be advantageous to the public service."

In acknowledging this letter, Lord Lyndhurst wrote—"There are many circumstances which render this appointment agreeable to me, but there is nothing that will recommend it more than the recollection that I am indebted for it to your friendship."

The King gave his cordial assent to the appointment, which was completed as rapidly as possible by the Lord Chancellor. Why, is very apparent from the following letter—

Sunday Evening.

My dear Lord Lyndhurst,—I was very anxious to have it over and fixed, for fear our friend Alexander might change his mind again. So I beg you to send your own concurrence. I assure you I do not know the thing that ever gave me more pain than his doing so before, and I will answer for Lord Grey, that I, at least, never saw him so much grieved for the six and twenty years I have known him. He was quite unhappy.

Your going to the Exchequer seems to me a real benefit conferred by you on the profession and the country. It is starting, or rather founding anew, the Exchequer with an *éclat* and lustre which the Committee would hardly have expected when they made their report. I really think it a most important benefit in this respect, that it puts an end to the absurd and, in these times, absolute nonsense of a Chancellor, when he leaves office, not taking any other. Lord Redesdale desired to be made Vice-Chancellor, and complained he did not get it. Many of the Bar expressed the same sentiments. Believe me, very truly yours,

(Signed) H. BROUGHAM.

That the Bar shared in the view thus expressed may be gathered from a letter to Lord Lyndhurst from Mr. Denman (12th January) in which he pays this high tribute to a man to whom he was not always disposed to do justice. "May I be allowed," he writes, "to say how much, in common with the whole profession, I rejoice in the probability of your becoming Chief Baron? I am certain that nothing holds out so gratifying a prospect of making all the Courts efficient and amending the defects of them all."

The hopes thus entertained were not disappointed. During the four years that Lord Lyndhurst held the office of Chief Baron, he raised the reputation of his Court to the highest point, confirming the impression which he had previously made among the members of his profession, that he possessed all the qualities of a great judge in a pre-eminent degree. Such was the despatch given by him to the consideration of cases, and so great was the respect inspired by his decisions, that he entirely changed the character of the Court. It had for many years fallen into disrepute; but it now became a favourite with legal practitioners, and the most busily occupied of all the Courts. "I often went into Lyndhurst's Court," says Lord Campbell,

"and as often I admired his wonderful quickness of apprehension, his forcible and logical reasoning, his skilful commixture of sound law and common sense, and his clear, convincing and dignified judgments." Lord Campbell adds, that he was a great favourite with the Bar on account of his general courtesy, "although he has told me that he acted upon the principle that 'it is the duty of a judge to make it disagreeable to counsel to talk nonsense.'" Why "although" it may well be asked? Being what he was, kind in heart, with a firm will, and perfect manners, it cost Lord Lyndhurst no effort to combine courtesy with this very obvious duty. The barrister must have been bold indeed who required more than a hint not to hazard untenable propositions before a man so fitted by his demeanour, and by the weight of his intellectual power, to make people feel that he was not to be trifled with. Of the "*eloquentiæ satis, sapientiæ parum*," he was as intolerant in others as he was void of it in himself.[1]

"He regularly went circuits," says Lord Campbell, "saying that he thought it pleasanter to try larcenies and highway robberies than to listen to seven Chancery lawyers on the same side upon exceptions to the Master's report,"—surely a very pardonable prepossession. He declared, adds his biographer, "that he was even pleased with what judges generally find intolerable—the duty of receiving the country

[1] Writing of him in 1833, the late Mr. Samuel Warren says: "His conduct on the bench is admirable. He listens to a long and complicated discussion, tangled with detail, wire-spun in argument, with the most patient courtesy; and at its close he will briefly and easily marshal everything into its proper place, bring together every material discrepancy, detect the subtlest fallacies, and dart to the remotest consequences with the rapidity of lightning. Nothing seems capable of confusing or mystifying him. When the expertest counsel are wading into deep water before him, all but out of their own depth, they look up at his cold, keen eye, and a faint smile, perhaps, on his fine features, satisfies them of the hopelessness of misleading him."

gentlemen at dinner, when the labours of the day are supposed to be over; but he averred that he not only could make *himself* entertaining to *them*, but that he could make them entertaining to *himself* in return." This is just what men of exceptional genius can do in any society.

Here is a sketch of what he was upon an occasion of this sort, for which we are indebted to a member of the Irish Bar.

In the year 1832, I was staying at Beaumaris in North Wales, the capital and assize town of the Island of Anglesea. In August of that year the assizes were held under the presidency of Lord Lyndhurst, although, to the credit of Anglesea be it spoken, there was only one prisoner in the jail at Beaumaris, a sailor, for some drunken assault.

When at the Middle Temple, I had often wandered into Lord Lyndhurst's Court, and admired the great beauty of his face, his eagle eye under his intelligent brows, accompanied by a sweetness of expression and dignity of manner quite captivating. He came to Beaumaris accompanied by Lady Lyndhurst; but I scarcely saw her, and remember little of her but her brilliant eyes and fashionable bearing. I did not attend the Assize Court, which only lasted half an hour. When I met him and Lady Lyndhurst walking up the street to their hotel, he looked more like a cavalry officer than a solemn judge, for he was dressed, according to the fashion of the day, in white Russia duck trousers, strapped under his boots of polished leather, and in a becoming frock coat. His gaiety of air, his handsome, well-cut features, his straight figure, had all a soldierly cast.[1] He was not long at his hotel when he was waited on by Sir William Bulkeley Williams, the foreman of the Grand Jury, on his fellows' part and on his own, with the uncommon but chivalrous request that the Grand Jury might be honoured at their dinner by the company of Lady

[1] An excellent idea of Lord Lyndhurst's personal appearance at this time is given in the picture of the first Reformed House of Commons, by Hayter, in the National Portrait Gallery, where he is seen in the foreground, standing beside the Duke of Wellington under the Speaker's Gallery.

Lyndhurst as well as that of her husband. To this Lord Lyndhurst gaily assented, and in this company of distinguished gentlemen Lady Lyndhurst was the only lady guest.

"I thank God," says Sydney Smith, "who has made me poor, that He has made me merry; I think it a better gift than much wheat and bean land, with a doleful heart." Lord Lyndhurst was quite of the unconventional Canon's mind. What he said of himself when at college (*ante*, p. 25), "I am naturally a friend to gaiety; I love to see what is to be seen," was true of him throughout life. In making these Welsh squires happy, and drawing out what was best in them by the charm of his own bright genial manner, he was obeying the irrepressible impulse of that youthfulness of disposition, that social benevolence, which was as much a part of his genius in his hours of ease, as were his sagacity in judgment, and the concentrated energy of his diction, on the bench or in the Senate. His mind was of that enviable and rare order which makes the most of the circumstances of the hour—is grave, and reserved, and absorbed in its serious work while it has serious work in hand, but will not suffer graver cares to intrude into the hours of relaxation, in which it regains the spring and elasticity that make it ready to encounter fresh effort with alacrity.

It by no means followed from this, that, as Lord Campbell asserts, "It was only while he was in court that Lord Lyndhurst cared for or thought of the causes he had to dispose of," or, in plain words, that he habitually neglected the duties he had sworn as a judge to fulfil. On the contrary, he took the greatest pains in the study of the cases brought before him and in preparing his judgments. Gifted though he was with a power of rapid comprehension, and a

tenacity of memory quite unusual, he could in no other way have raised the reputation of his court as he did. This was only to be done by close attention to the arguments addressed to him in court, and by that thorough mastery of the details of the cases, and of the law as applicable to them, which secured for his decisions the best of all tributes, that they were rarely subjected to appeal.[1]

How anxious he was at all times that justice should be done, and what pains he took with this view, is shown by his practice in cases of trial by jury. When at the Bar he had frequently observed that the prevailing practice of the presiding judge reading over his notes of the evidence to the jury, when making his charge, instead of clearing and assisting their minds, more commonly, especially in long cases, tended to deaden and confuse them. He therefore resolved, if he were ever raised to the bench, that he should not follow the practice, but should endeavour to present the evidence in a condensed form, and so classified and arranged that the jury might the more readily appreciate its bearings upon the

[1] We have been favoured with the following memorandum by the Rev. Whitwell Elwin on this point: "In reference to Campbell's assertion that it 'was only while he was in court that Lord Lyndhurst cared for the causes he had to dispose of,' I transcribe what he said one day when I called upon him with Lord Brougham, long after he had ceased to take any part in judicial business, to show that his interest in the old historic trials continued even then when he could only have read them for the pleasure it gave him. I can vouch for the accuracy of my report: *Lyndhurst.*—'I have just been reading the trial of Captain Donellan for the murder of his brother-in-law, Sir Theodosius Boughton, by administering to him laurel water. The celebrated John Hunter gave evidence, and Justice Buller, who tried the case, pressed him to say whether the laurel water, in his opinion, was the cause of Boughton's death. Hunter held that the symptoms were equally consistent with death by apoplexy or epilepsy, and refused, to the evident chagrin of Buller, to state whether Boughton died from the effects of laurel water or not. I think that Buller had no right to put the question at all. The point was not within the province of any witness—it was the very question which was to go to the jury. What do you say, Brougham?' *Brougham.*—'Buller was wrong. There can be no doubt of it whatever.'"

points at issue. A judge indifferent about his work would never have imposed upon himself the additional effort of mind required to perform this task with the fulness and impartiality necessary for its success, involving as it did a continuous exercise throughout the proceedings of an active analysis, as well as a power of combining the scattered facts as they emerged upon the evidence round a clear guiding principle. Only with a judge of the highest order of judicial intellect would such a process be possible, for only such could escape the hazard of losing in the advocate the functions of the judge. This, however, was never imputed to Lord Lyndhurst. He was always ready to sum up the evidence without asking for delay, and to present it lucidly to the jury without reference to his notes. These indeed, it must be admitted, were always of the briefest kind. His memory, however, served him as accurately as any written record; and he trusted to his chief clerk for taking a full note, the labour of note-taking being exceedingly irksome to him. It was, however, never objected that he did not state the evidence with entire fairness and accuracy, clearing it of what was irrelevant, and indicating its legal value and bearing as he went along. In this way he not only simplified the labours of the jury, but satisfied even the unsuccessful litigant that he had been fairly treated. *Etiam quos contra statuit, æquos placatosque dimisit* was a sentence often applied to him.

We are fortunate in being able to state in Lord Lyndhurst's own words the rule upon which he acted. The Rev. Whitwell Elwin, who was present during the trial of several causes before Lord Lyndhurst in the Nisi Prius Court at Norwich, shortly after he became Lord Chief Baron, in 1831, sends us the following record—

"Through the whole of the time I was in court he did not, I think, make a single note; he not only summed up the cases to the jury with incomparable brevity and lucidity, but with such perfect accuracy that not one of the counsel rose to remind him that he had omitted to state anything essential, or had stated anything incorrectly. In after years, when I became acquainted with him, I one day mentioned to him the wonder with which I had witnessed this power of summing up evidence with such terseness, completeness, and exactness from memory alone. His answer was in these words:

"When I was called to the Bar, the usage with most judges in summing up was to say to the jury, after stating the point to be tried, 'And now, gentlemen, that you may have a clear view of the case, I will proceed to read to you the whole of the evidence.' I determined that if ever I sat on the bench I would endeavour to lay the evidence before the jury in a form which was better adapted to their comprehension, and I made it a rule, whenever I was in court, to digest the evidence in my own mind as if it was my function at the close to state it in the clearest and compactest shape I could to the jury. It was not possible for me then to take down the evidence; and being forced to rely upon memory, practice soon made the method easy to me."

From this it is obvious, that long before he was raised to the bench, he had spent his vacant hours in court in silently educating himself to carry out the system which seemed to him most likely to further the ends of justice.

From this illustration of Lord Lyndhurst's practice in one part of his judicial duties, an idea may be formed of the injustice of Lord Campbell's remark ('Life,' p. 71), that "he would not heartily give his mind to his judicial business."

Such was not the verdict of either the Bench or the Bar. His treatment of one of the cases which came before him not long after he was made Chief Baron was regarded at the time as a marvel of intellectual

power and of that faculty, which was pre-eminently his, of reducing a chaos of details into luminous order. It is still regarded among the traditional glories of the judicial bench. This was the case of Small *v.* Attwood, where the question in dispute was the validity of a contract for the sale of coal and iron mines in Staffordshire, which the purchaser disputed on the ground of alleged fraudulent representations by the seller. The depositions and other documents were so voluminous, that the case was in mere bulk the heaviest, in technical phraseology, ever tried in England. The hearing began on the 21st of November, 1831, and for twenty-one days Lord Lyndhurst sat listening to the reading of the depositions, and to the arguments of counsel. How these were stimulated to their tasks may be inferred from the fact, that one of the leading counsel received a brief fee of 5000 guineas. Lord Lyndhurst took nearly a year to deliberate upon the case, not delivering his judgment till the 1st of November, 1832. But that judgment, as Lord Campbell truly states, was "by all accounts the most wonderful ever heard in Westminster Hall. It was," he adds, "entirely oral, and, without even referring to any notes, he employed a long day in stating complicated facts, in entering into complex calculations, and in correcting the misrepresentations of the counsel on both sides. Never once did he falter or hesitate, and never once was he mistaken in a name, a figure, or a date." And yet this was the man who, according to the same authority, was "reckless as to the fate of suitors," and, "only while he was in court cared for or thought of the causes he had to dispose of!"

It in no way detracts from the splendid judicial qualities shown by Lord Lyndhurst on this occasion, that his judgment was reversed some years afterwards

on appeal to the House of Lords, upon the motion of Lord Cottenham, the then Chancellor, supported by Lord Brougham and the Earl of Devon. The case was argued before the House of Lords for no fewer than forty-six days. Lord Lyndhurst adhered to the opinion he had formerly expressed, and justified it in a speech not less remarkable than that in which he had given his original judgment, for the skill with which he reduced into method and compass the enormous tangle of facts and figures, and applied to them his views of the law on which his conclusions were based. "The speech," says Lord Campbell, "again astounded all who heard it." No lawyer can read it now without admiration; and neither lawyer nor layman can read it and not be impressed by the dignified serenity with which the speaker anticipates and bows to the reversal of a decree arrived at after infinite labour, and to which he felt bound to adhere as the result of a profound conviction. Deeply as he must have felt, no trace of mortification or of temper escapes him. It is not the serenity of indifference, but a characteristic sense of the futility of struggling with the inevitable. He has done his best; but numbers are against him. His opinion remains unchanged; but to complaint or self-assertion his clear calm intellect could not stoop.

Confident in the tenacity of his memory, Lord Lyndhurst's practice both on the bench and when sitting as Chancellor in the Supreme Court of Appeal, was, as already mentioned, to take very brief notes during the progress of the case. That he was justified in a course, which could not generally be safely followed, was shown by the uniform accuracy with which, after a long argument, he would cite dates, or figures, or facts. His habitual courtesy and self-

control were shown by the patience with which he always listened to the speeches of counsel. Tedious as these often were, he bore the infliction in silence. At times he might be seen, by the movements of his lips, to be muttering comments to himself, but although the tenor of these mutterings might perhaps be divined by others, they were never allowed to reach the ears of him who provoked them. Occasionally, however, they were overheard by the Registrar of the Court, who sat immediately under him, and he must have had some difficulty in retaining his gravity to find them so little in accordance with the judge's suave and urbane demeanour, by which the counsel speaking was put upon the best terms with himself. Some examples of these subdued utterances have been preserved.

Counsel.—"The fact is proved, my Lord, by these highly honourable men," [*Lord Lyndhurst.*—"Disgraceful scamps, I call them!"] "whose evidence puts the fact past all dispute." [*Lord Lyndhurst.*—"A parcel of transparent lies!"]

Or again—

Counsel.—"I appear, my Lord, for the defendant, and I pledge what character I have when I declare solemnly as a man of honour, that I shall prove that he is quite innocent of what is charged against him." [*Lord Lyndhurst.*—"So you think me fool enough to believe that, do you?"]

Sometimes the shaft of muttered sarcasm was directed against himself. As for example. A barrister was pleading, whom he had not before heard. He was a man of real ability; but happened to open his case in a confused and halting way. "What a fool the man is!" muttered the Chancellor. As the speaker advanced, he grew clearer and more to the point. "Aha!" was the comment, "not such a fool

as I thought!" Warming in his work, the counsel proceeded with unmistakeable effect. "Egad!" was the next exclamation. "It is I that was the fool!"[1]

The intimate personal relations which had long subsisted between Lord Lyndhurst and the Duke of Wellington continued after the Duke's retirement from office. What the Duke thought of him as a political coadjutor may be gathered from his language in speaking of him (June 1831) to Mr. Charles Greville, as "the best colleague that any man ever had," adding "that he should be very sorry ever to go into any Cabinet of which he was not a member." On the other hand, Lord Lyndhurst looked to the Duke as his political leader, and reported of him, that "in the Cabinet he was always candid, reasonable, and ready to discuss fairly every subject, but not so Peel." (Greville's 'Memoirs,' vol. ii. p. 144.) He was in constant communication with the Duke, even consulting with him before speaking on questions of legal reform. Thus the Duke writes to him (14th September, 1831), in answer to a letter in which he had stated some objections to a Bill on Bankruptcy Reform, brought in by Lord Brougham—

> In the circumstances of the times you must not pay much attention to the eccentric movements and actions of others. Act upon a principle, and allow nothing to pass by that is essentially wrong, and you may rely upon it that you will come out of the difficulties of the moment with increased reputation and honour.

On the line thus laid down Lord Lyndhurst acted in dealing with the various measures of legal reform introduced by Lord Brougham in his first years as Chancellor, doing what he could to strengthen them

[1] From a Memoir of Lord Lyndhurst printed for private circulation. London, 1865.

where they were weak, and to cut them down where they seemed to be inequitable or impolitic. He confined himself to these topics in his speeches in the House of Lords, until the Reform Bill came up from the Commons in October 1831, when he threw himself actively into the struggle, and became in fact the most formidable opponent of the measure!

He had previously shown that, so far from being fettered by his acceptance of the office of Chief Baron, he would be found, where Lord Brougham had expected he would be found, in the front rank of the opponents to the Ministry. Their Reform Bill went far beyond the limits which he regarded as prudent or even safe; and his convictions were too strong to admit of his keeping silence upon a measure by which he thought the very elements of the Constitution were imperilled.[1] He possessed, moreover, the entire confidence of his party, and they trusted to his power in debate to uphold their views against the strong array of argument and eloquence with which the measure was certain to be advocated in the Upper House.

It had come up from the Commons, with the prestige of a majority of 106, in a new Parliament, returned for the purpose of carrying the measure. Against some of its provisions no reasonable argument could be brought, and it could only be resisted fairly upon the ground, that it involved a principle calculated ultimately to disturb the balance of the three estates, which had hitherto been recognised as the fundamental excellence of the Constitution, by throwing the preponderance of political power into the hands

[1] Lord Campbell, as usual, is at pains to insinuate that Lyndhurst was guided in his line of action solely by calculations of selfish interest. He sided, says Campbell, with the Tories because the Whigs had nothing more to give him; and, besides, their tenure of office was likely to be very short, "as Lord Grey, and his colleagues, at starting, by no means enjoyed public confidence." ('Life,' p. 74.)

of a mere numerical majority. Though fifty years have since elapsed, it is still too early to judge whether the apprehensions of the opponents of the measure were well founded. But of the sincerity of their conviction, that a great danger impended over the State, there cannot be a doubt. History and all experience had made them distrustful of democracy. The very passions of the populace, which had been within the preceding year called into play by violent reformers, to bear down the resistance of their opponents, and which were afterwards set loose in scenes of riot and destruction at Derby, Nottingham, and Bristol, intensified their distrust, and recalled forcibly to their minds the old Ciceronian maxim, "*Maxime in republicâ tenendum est, ne plurimum plurimi valeant.*"

It was not till the fifth and last night of the debate that Lord Lyndhurst rose to address the House. The impassioned and high-strung eloquence of Lord Brougham, in what will always rank among the foremost of his oratorical displays, was still vibrating in the ears and hearts of his audience. Only a speaker of Lyndhurst's power could have ventured into the lists against such a rival; and if it was true, as he told Sir Henry Holland, that he "never rose to speak in Parliament without some degree of nervous emotion" ('Recollections,' p. 202), the magnitude of the issue, and the rivalry with so great a master of declamatory rhetoric, who had that evening shown himself at his best, must have filled him with unusual trepidation. This feeling was gracefully expressed in the opening of his speech.

"After the splendid declamation," he said, "which you have just heard from my noble and learned friend, which has never been surpassed on any occasion even by the noble and learned Lord himself, it is no matter of surprise that I should present

myself to your Lordships with great hesitation and anxiety; but feeling the situation in which I now stand, and recollecting the position which I formerly had the honour of holding in this House, I presume it would be considered a shrinking from an imperious duty if I satisfied myself by giving a silent vote on so important and momentous an occasion."

He then addressed himself to the question, how far the Bill corresponded with the language of the King's Speech, which had pointed to a measure in which "the prerogatives of the Crown, the authority of both Houses of Parliament, and the rights and liberties of the people were to be equally secured." Such a measure, he said, would have received his cordial support, but the measure now before the House he felt it his duty to oppose, because it appeared to run counter to every one of these conditions, subverting the old Constitution, and substituting a new one in its place, introducing a representative body of an entirely new character, based upon a principle which could not ultimately stop short of universal suffrage, and which would place property at the mercy of those who were intolerant of well-being in others which was not shared by themselves. To innovations demanded by the altered circumstances of the community he was prepared to yield; but he dreaded the sweeping changes involved in the Bill. He manifestly felt with Bacon, that "It was good that men in their innovations should follow the example of time itself, which indeed innovateth greatly, but quietly, and by degrees scarcely to be perceived."

The present measure went far beyond what had been in former years indicated by Earl Grey, Lord John Russell, Lord Melbourne, and Lord Brougham, in their own speeches as what was alone desirable in any measure of Parliamentary Reform. Lord Lynd-

hurst had no difficulty in establishing this seeming inconsistency by quotations from these speeches. But this part of his argument was used not so much as implying in them any unjustifiable change of view—an imputation which, being personal, is ever of doubtful efficacy, and with the recollection of his own changes of opinion on the Catholic Relief question, one that laid the speaker open to effective retort—but for the purpose of "contrasting the opinions formed by men of high talent in times of calmness and deliberation with opinions formed in a time of intense excitement." Lord Lyndhurst was no doubt well aware of the misgivings which subsequent revelations have shown to have existed even then in the minds of all these eminent men, whether the reforms embodied in the Bill did not go too far; and it was legitimate in him to remind them, as he did, that the tempest of popular clamour, to which they had themselves in some measure bent, and were now calling upon the House of Lords to bow, was mainly of their own raising. It was they, he urged, who had brought the country into circumstances of peril. Let them remain in office—he preferred that they should do so—to introduce and carry a more moderate measure of Reform.

"Allow me now, my Lords," he proceeded, "to call your attention to another point which even in this last stage I think it necessary to revive. What, I ask, is the nature of our Constitution? It consists of three estates, not opposing or counteracting each other—the one estate influencing the other, the Lords influencing the Commons: the Commons the Lords, the King both Lords and Commons, both Lords and Commons the King. What has been the result? That we have obtained a Constitution consisting of the Sovereign Power, the Aristocracy, and the Democracy, so combined and blended as to form the most perfect system of government ever known in the civilised world. Such a system as the philosophical

Roman historian tells us is, indeed, to be desired, but can seldom be hoped for; and, if obtained, can hardly be of long duration. Let us be cautious, then, how we abandon or even hazard it. What is the object of the present Bill? It is to make, not a slight alteration in the most important and influential of the three estates, but to make an entire change in the persons who are to elect, and consequently an entire change in the persons to be elected. The object is to give a greater degree of power and preponderance to one estate—to destroy the nice balance now existing, and in this respect to give us a new Constitution. Whether hereafter we may be able, by any fortuitous combination of circumstances, again to adjust the balance, is a secret yet hidden in the womb of Time.

"Having, then, such a Constitution, serving all its purposes so well, will you risk it upon an untried experiment, which may be fatal, and if fatal, utterly irretrievable? We have heard something of the theory of our Constitution; from what is that theory formed? From its practice. Our Constitution is not the work of a day; it has been built by Time, and we have been most fortunate in its construction. When persons draw a supposed theory from our Constitution, they invert the order of things, and hence the extravagance of their progress. What is the reason that the growth of our Constitution has uniformly failed when transplanted to other countries? This: that the supposed theory of that Constitution has been made the basis of the new experiment. The new Constitution did not resemble our own, but the Bill upon the table, which is to be its substitute. A noble friend of mine, while in Naples, was consulted by Joachim Murat on the subject of a new Constitution, and his reply was, 'Constitutions cannot be made —they are the growth of time;' and his reply not being sufficiently understood, he wrote an explanatory letter to a Neapolitan nobleman, containing the following passage, which most eloquently and beautifully expresses the sentiments I would convey, 'Constitutions cannot be created or transplanted; they are the growth of time, not the invention of individuals. To attempt to form a perfect system of government depending upon reverence and experience, is as absurd as to attempt to build a dream.'"

While far from contending that "the Constitution of the House of Commons was perfect, or not liable to objection," Lord Lyndhurst then proceeded to show how well it had worked in curbing the undue power of the Crown, and establishing a system of civil liberty, "such as is enjoyed by no other country on the face of the globe," in controlling expenditure, and in maintaining the name and dignity of the kingdom throughout the world. Are we then warranted, he asked, in cashiering it, and substituting what he showed must in time become "a fierce democratic assembly," by the action of influences to which the proposed changes would inevitably give predominance?

"I know," he continued, "the House of Commons. I have served a long apprenticeship in it. I know that it is often unmanageable; but if those who are conversant with that House will advert to the changes to which I refer, they will agree with me in saying that it will be a most unmanageable democratic body, and that by adopting this measure, we shall alike endanger the Crown and the Constitution. Whatever name the Government choose to give to this Bill, it is in fact and in substance a revolutionary measure. To the monarchical institutions of the country I have been attached both by habit and education. I do not wish for a change that might affect the rights and privileges of the Crown, nor for one which will bring about a republic, or a republic in the shape of a limited monarchy. Republics are tyrannical and vicious, arbitrary and cruel and unsteady. I do not charge the Ministry with having introduced this Bill for the purpose of subverting our form of government; but such will be its effect."

He then went on to illustrate in what way this would come about. The Church of Ireland would be sure to fall. "It is supported," he said, "by persons who form but a small portion of the people there, but they possess political power, most of the power, the wealth and the intelligence of the country, and by

these means they had been enabled to stand against the Catholics." The effect of the Bill will be to transfer that power to the Catholics. Since it was introduced the cry for the Repeal of the Union, he said, had been silenced. Why? Because its advocates knew this Bill would end in accomplishing their object in another way.

The noble Earl at the head of the Government says, Give largely in order that the people may not want more. That is a most extraordinary way of proceeding. Are men so little interested in the extending of their own power that they will cease to grasp at anything more, when they have the means of effecting their own wishes in their own hands? But though the noble Earl may be mistaken on this point, the Reformers do not disguise the matter. The noble Earl proposes to open the door to their wishes. He is ready to throw open the floodgates that will admit the torrent of democratic power. That torrent will rush in and overpower him. The noble Lord on the Woolsack, with his activity and power, may for a time float upon the tide, and play his gambols upon the surface; but the least check will overturn him, and he will sink beneath the waves.

This, he went on to argue, was but the first step in the career of Change. "Reformers do not ask for reform, for the sake of reform, but for the sake of the consequences." And what were these?— the destruction of the Church in Ireland, abolition of tithes, the ballot, attacks on funded property on the plea of getting rid of the national debt, abolition of the Corn Laws, cutting adrift from our colonial possessions, and other consequences, with which the country is now face to face, but which, if the speaker anticipated them, as no doubt he did, he forebore with a wise reserve to mention in detail.

The speech concluded in the same strain of im-

pressive and reasoned eloquence which it had maintained throughout.

It is said, we must pass the Bill. We have been threatened with the consequences which will result from our refusal. Out of doors we have been menaced in every variety of form—in the hypocritical shape of friendly advice contained in anonymous pamphlets, and in the most undisguised and virulent language of the daily and weekly press. The cry of the seventeenth century, of malignant and rotten-hearted Lords, has been revived, and appeals have even been made to the soldiers. It is true that the supporters of the Bill in this House have not made use of the language of menace, but the noble Earl at the head of His Majesty's Government, and the noble and learned Lord on the Woolsack, have conveyed the impression in allusions as sufficiently and intelligibly strong, and in a manner as forcible as if terms of menace had been employed. My Lords, I owe the situation I have the honour to hold in this House to the generous kindness of my late Sovereign—a monarch largely endowed with great and princely qualities. I cannot boast an illustrious descent. I have sprung from the people. I am proud of being thus associated with the descendants of those illustrious names which have shed lustre upon the history of our country. But if I thought that your Lordships were capable of being influenced by the unworthy measures which have been resorted to, and that you could from such motives be induced to swerve from the discharge of your duty on this important occasion when everything valuable in our institutions is at stake, I should be ashamed of this dignity, and take refuge from it in the comparative obscurity of private life, rather than mix with men so unmindful of the obligations imposed upon them by their high station and illustrious birth.

We are placed here, my Lords, not to pass Vestry Acts or Road Bills, but for the purpose of guarding against any rash result from the advisers of the Crown, and against the wishes of the people, when they might lead to destruction. I say, my Lords, I fear not the threats with which we are menaced. The people of England are noble and generous. If they think that we have not done our duty, but have deserted it from base personal or selfish motives, they would turn from

the contemplation of our conduct with disgust. On the other hand, whatever may be their inclinations, and however vehement their desires, if they see that we honestly perform our duty, be our decision what it may, they will receive it with approbation and applause. I believe that in what has been said respecting the public feeling, there is much exaggeration. I do not speak of the mere multitude—but of the enlightened portion of the community. And I am convinced that if they were satisfied that if from any base personal motives we neglected to do what in our conscience we conceived to be our duty, they would turn from us with contempt and disgust. My Lords, I am satisfied too, that whatever may be the conclusion to which we come, if we perform our duty according to our own view of it—although that should be contrary to their inclination—they will abstain from all violence. If, on the contrary, we should by our vote this night give the people reason to suppose that, contrary to the dictates of our consciences, and what we believe to be our duty, we, urged by unworthy motives, should decide in favour of the Bill, our titles, our possessions, and the liberties of the people would all be forfeited, and we should be for ever debased. Perilous as is the situation in which we are placed, it is, at the same time, a proud one,—the eyes of the country are anxiously turned upon us, and, if we decide as becomes us, we shall merit the eternal gratitude of every friend of the Constitution and of the British Empire.

In the speech with which Earl Grey closed the debate he had little difficulty in showing that, if he was guilty of inconsistency in advocating a measure which went further than he had formerly thought was to be desired, he had done no more than Lord Lyndhurst had done in the case of the Catholic Disabilities. Now, as in that case, circumstances had changed; the public demands had grown, and any more limited measure of reform would fail to satisfy them. "Upon this very question of Parliamentary Reform," he asked, "were Lord Lyndhurst's opinions never different from those which he had that night supported?" This

imputation of apostasy was one to which, by whomsoever brought, Lord Lyndhurst would never submit in silence. He had dealt once and for all on a former occasion with the question of his change of action on the Catholic Claims. On that point, therefore, he made no remonstrance; but when Earl Grey sat down, he rose and said—

> The noble Earl has been pleased in the course of his speech to allude to me, and he seemed to consider that at one period of my life I entertained opinions opposed to those I now avow and act upon. But, if the noble Earl entertained any such impressions, I beg to assure him that he is grossly misinformed, and utterly mistaken.
>
> *Earl Grey.*—My Lords, I did understand that the noble and learned Lord at one period of his life entertained opinions favourable to the consideration of the question of parliamentary reform.
>
> *Lord Lyndhurst.*—Never!

It is said by Sir Denis Le Marchant ('Memoir of Earl Spencer,' p. 350), that Mr. Denman on this whispered to him, "Villain—no, he was a Democrat!" founding his assertion on expressions of Lord Lyndhurst's in the days when they had been on the same circuit. But in a matter of this sort, the testimony of a bitter Whig partisan, based upon the loose, irresponsible talk of a barrister's circle, is surely entitled to little weight as against the evidence of Lord Lyndhurst's own early recorded opinions, and his unqualified contradiction to the imputation on all occasions, whether made privately or in public.[1] It will, moreover, be seen hereafter, that Denman, when challenged

[1] Either Sir Denis Le Marchant or Lord Campbell must be wrong in their record of the story. Le Marchant says, Denman *whispered* the remark to *him*. Campbell says, "Denman was then standing by *me*. *Shaking his fist in a manner which made me afraid he would draw upon himself the notice of the House, he exclaimed*, '*Villain, lying villain!*'" Which of these versions of the story are we to accept?

by Lord Lyndhurst to the House of Lords to make good his charge, utterly failed in the attempt.

Lord Lyndhurst's speech is said to have been one of the few that have been known to influence a parliamentary decision. It was indeed well calculated to put courage into the hearts of the waverers, who had been intimidated by "the pressure from without." Most certainly it embittered the animosity of the Whigs and Radicals against him, for they looked upon him as mainly instrumental in arraying against the Bill the majority of forty-one by which it was thrown out. When the courtly and kindly Duke of Devonshire, according to Mr. Charles Greville, could say to Lady Lyndhurst that her husband "ought to resign his judicial situation" because of his open hostility to the Government, what wonder if in the House of Commons the super-fervid rage of Mr. Sheil boiled over (10th October) in the words, that Earl Grey's "patronage should not be bestowed where it would be requited with perfidy"?

The Ministry were for the moment staggered by the magnitude of their defeat.[1] They were by no means all of one mind that their scheme of Reform did not go too far. To curtail it would, however, cost them their popularity; yet how could they hope to get it through the House of Lords without recourse to the desperate expedient, which many of their number were by no means prepared to face, of swamping that branch of the legislature by the creation of an enormous batch of peers? In these circumstances might it not be better to resign and trust to the Tories to do as they had done on the Catholic question—bring in the measure of Reform, a measure by no

[1] See letter from Lord Althorp to his father next day (8th October, 1831) cited by Mr. McCullagh Torrens, 'Memoirs of Lord Melbourne,' vol. i. p. 384.

means illiberal, which they had professed themselves ready to support.

Had there been any signs of that reaction in the public mind on which their adversaries had counted, this course might possibly have been taken. But every day brought fresh proofs that the Ministry had the great preponderance of popular opinion at their back. To have resigned, with the passions of the populace in many of the great cities of the kingdom inflamed to fever heat by rage and disappointment, would moreover have certainly involved the most disastrous consequences, as the incendiarism and riot which actually occurred at Nottingham, Bristol, and elsewhere, placed beyond a doubt. The Ministry therefore resolved to remain at their posts, and to bring in a fresh Reform Bill after a brief prorogation, adopting in it some of the suggestions which had been made by their opponents, but retaining all the main features of the former Bill.

The increase of their majority on the third reading in the House of Commons, which had been as seven to five on the 6th of July, 1831, to two to one on the 17th of December, justified their decision. The Lords, on the Bill coming up to them, altered their tactics, and allowed the Bill to be read a second time by a majority of nine. But their hostility to the measure was unabated, and their power of crippling its details in Committee, if they were so minded, was overwhelming. Again Lord Lyndhurst appeared in the front rank of its opponents; and the Ministry had every reason to apprehend that, while, to use Lord Brougham's words ('Memoirs,' vol. iii. p. 189), their opponents would, under his guidance, "avoid giving us the advantage of defeating any essential part as long as they could, they would throw out or alter one after the other of

the lesser provisions, so that we should be left in the greatest possible difficulty." What he and his friends wanted, therefore, was that their adversaries should make some move which they could allege struck at the principle of the Bill, and so bring on a crisis, upon which an appeal might be made to the country to insist upon "the Bill, the whole Bill, and nothing but the Bill," and Ministers might claim the King's consent to such a creation of peers as would bear down all opposition.

When, therefore, Lord Lyndhurst moved in Committee that the consideration of the clauses for disfranchisement should be adjourned until the clauses for enfranchisement had been disposed of—a point surely not in itself material—and carried the House with him by a majority of thirty-five, Ministers seized upon the vote as giving them the opportunity they desired. Earl Grey and Lord Brougham had both declared that a defeat on this point would be regarded by them as no less fatal than if the Bill had been lost upon the second reading. As a piece of parliamentary tactics this stroke was well imagined; and its full bearing must have flashed upon the Opposition leaders when presently Earl Grey moved to delay the further consideration of the Bill for three days. This meant either resignation, for which the Tories were not prepared, or the resolve to obtain the King's permission to create peers—a power which Wellington, Lyndhurst, and others, had for some time had reason to surmise would, if pressed, not be refused.[1]

It was not wonderful that the King should not share the view taken of the vote by Earl Grey and

[1] The Duke of Wellington in a letter (5th January, 1832) to Lord Lyndhurst, who was then in the country, writes from London, "They say here that the object of Lord Grey's visit to Brighton is to create peers. If it is so, *I am convinced that he will be successful*, and that there is an end to the character and independence of the House of Lords."

Lord Brougham, in the face of the earnest statements of several leading peers during the debate, that they had no desire to maim the Bill, and were prepared to deal liberally with the extension of the franchise. When, therefore, they put before him the alternative, that they must resign, or the creation be sanctioned of "sixty or perhaps even eighty peers" (Lord Brougham, 'Memoirs,' vol. iii. p. 193), His Majesty recoiled from the latter alternative; and on the 9th of May both Houses were informed that Ministers had resigned. In his embarrassment at finding himself thus suddenly deserted by his Ministers, His Majesty turned most naturally to Lord Lyndhurst, on whose capacity and judgment he placed great reliance; and who, being, to use the phrase of Sir Robert Peel, "out of the immediate vortex of political affairs," might be better able to place before him a true estimate of the state of parties, and of the country. "Now," says Lord Campbell, "was the most splendid moment of Lyndhurst's career," and he proceeds to give an elaborate and purely fictitious narrative of the conversation which passed between the King and his ex-Chancellor.[1]

Wherein the splendour of the moment consists is not very apparent. It was no new thing for one who had for years occupied the office of Chancellor to be appealed to by his Sovereign for advice. But anxiety rather than splendour must to Lord Lyndhurst have been the prevailing feature of the present Royal summons. The moment was a critical one, and with Lord Lyndhurst's strong convictions on the question of Reform, as dealt with by the Grey Administration,

[1] In vain has Swift written of his visit to Glubbdubdrib, where Gulliver "discovered the roguery and ignorance of those who pretend to write anecdotes, or secret history, *will repeat a discourse between a Prince and Chief Minister, where no witness was by*, unlock the thoughts and cabinets of Embassadors and Secretaries of State, *and have the perpetual misfortune to be mistaken.*'

it is not surprising that he suggested to the King the propriety of taking counsel with the leaders of the Opposition, and ascertaining their views as to the possibility of forming an administration that would undertake to bring forward a measure of Parliamentary Reform as broad as that to which the King was pledged, and which might satisfy the mass of the intelligence of the country. With the King's authority Lord Lyndhurst laid the whole circumstances before the Duke of Wellington, Sir Robert Peel, and a few other leading men of the party.[1] The Duke was prepared, at every sacrifice of feeling, to assist in relieving the King from the painful dilemma in which he was placed. Sir Robert Peel, however, at once declared that he, who had resisted and would continue to resist the principle of Earl Grey's Reform Bill to the last, would not accept office "on the condition of introducing an extensive measure of Reform." This view was taken by others who were appealed to. But the refusal of Peel was in itself conclusive, as he was the only possible premier of a Tory Ministry.

When Lord Lyndhurst had communicated to the King the result of his various interviews, and had conveyed the Royal request that the Duke of Wellington should come to Windsor Castle, his mission terminated. These were his own words in the explanation of what had passed, which he made in the

[1] "He first went to Sir Robert Peel," says Lord Campbell, "who treated the proposal with scorn." Lord Lyndhurst, in his explanation in Parliament (17th May), says that he first went to the Duke of Wellington. We may judge of Peel's scorn from his language in the House of Commons (18th May), where he speaks of "his noble friend for whom, notwithstanding all the calumnies that have been directed against him, I avow that I entertain the sincerest esteem—I mean Lord Lyndhurst; yes, Sir, I will not shrink, notwithstanding the difference of opinion which a majority of this House may express, from making an avowal of the high opinion I entertain of the talents and of the public character of that noble Lord." (Hansard, 3rd Series, vol. xii. p. 1073.)

House of Lords, 17th May. But he did not escape the imputation of having eagerly engaged in a base political intrigue for the gratification of his personal ambition. That he should be "traduced, maligned, calumniated," in every Whig and Radical journal, he accepted as a matter of course. "They may wound me," he said, "and wound me deeply too, through connections which are dear to me; but, as far as I am myself concerned, I treat them with ineffable scorn." But he was stung into noticing in his place in Parliament the language of Sir Francis Burdett, who had a few nights before denounced him in the House of Commons, as violating his duty as a judge by meddling with politics, as an intriguer "who had undermined the King's late Ministers," and as a "violent political partisan, heading a virulent faction." What he said on this point explains so clearly his action and motives throughout in opposing the Reform Bill, that we give his words at length.

Sir F. Burdett is reported to have affirmed that I acted inconsistently with my duty as a judge of the land. I say that if he asserted this, he must, taking it at the best, be ignorant of the Constitution of the country. He ought to know that, as a member of the Privy Council, I am bound by virtue of my office to give advice to my Sovereign if he requires it. More than this, he ought to know, if he knows anything of the Constitution, that I have taken an oath to this effect; and more, he ought to know that as a judge I am bound to volunteer my advice to His Majesty if I consider any proposed course of proceeding inimical to the safety of the Crown. My Lords, excuse me if I go one step farther; he has charged me, as a judge, with being the leader of a violent and virulent party in this House. Whether there is or is not such a faction in this House I will not stay to inquire; I wish to have no motives imputed to me; I impute none to other men. I will only say that I never aspired to such a position as that of leader of a

party; it is alike foreign to my inclination and my habits. Since the noble Earl became a Minister of the Crown, I have seldom attended the House; I have taken no part in its proceedings. I never engaged in political discussions. At last, when the Reform Bill was introduced, I did come forward. If I thought that the tendency of this measure was to destroy the monarchy and the Constitution, was it not my duty as a judge of the land, as a Privy Councillor, as a Member of your Lordships' House, with all my power to oppose it? If this measure had originated with, and was supported by, my earliest and most valued friends—by the very friends of my bosom—I would have acted in the same way. So much for my conduct and the attacks upon me. For the rest, the Reformers are triumphant—the barriers are broken down, the waters are out—who can predict their course, or tell the devastation they will occasion?"[1]

So eager was the Duke of Wellington to prevent the swamping of the House of Lords, a step which in his eyes would have been fatal to the Constitution, that even after Sir Robert Peel's refusal he continued his efforts to form an administration. Sharing his alarms as he did, and now as always thoroughly loyal to him, Lord Lyndhurst would beyond all doubt have thrown in his lot with him, had he succeeded in these efforts. It was thought by many, that, if the leaders of the party had stood by them, they might have had a fair chance of success. Lord Brougham was himself of that opinion. "The rally," he says, "of the Tory party all over the country, would have been most zealous and powerful; the demand of eighty peerages certainly would, after a little reflection, have been a fair ground of attack upon us; there would have been no small number of men in the House of Commons disposed to form a strong government from various motives; and, above all, as time was no object, so firm a chief as the

[1] Hansard, 3rd Series, vol. xii. p. 1001.

Duke keeping the peace everywhere unbroken, by degrees the Reform fever, as it was called, would have been allayed, the more respectable of even our stoutest supporters giving no encouragement to violent courses. His great object being to maintain the Constitution, by supporting the King and the House of Lords, and, as he thought, saving the House of Commons from the mob-power, he conceived that a great opportunity had been lost by Peel's refusal." ('Memoirs,' vol. iii. p. 196.)

It may have been so; but, even if Peel had not refused, the chances of a peaceful solution of the difficulty would have been small indeed, with the country almost given over into the hands of that mob-power with which the Duke would everywhere have had to reckon. No one, at all events, can now regret that he found himself constrained to abandon a task, which he had undertaken from a chivalrous devotion to his Sovereign and to the established order of things; and that by the prevalence of moderate counsels, the power to create an overwhelming number of peers, which Earl Grey insisted on being placed in his hands, as the condition of his retaining office, was not called into play. When the Bill came to be read a third time, only 22 peers attended in their places to vote against it, while 106 votes were counted in its favour. Neither the Duke nor Lord Lyndhurst were in that small minority. They bent to the storm, and stood aside until circumstances might again put them in a position to fight the cause of their party with effect.

CHAPTER XII

Speech on Local Courts Bill—Described by Mr. S. Warren—Death of Lady Lyndhurst—Melbourne Administration in difficulties—Failure to form Coalition with Peel—Death of Lord Spencer—Duke of Wellington called in by King to form Administration—Holds office until Peel's return from Italy—Lyndhurst again Chancellor.

ONE reason for the great influence which Lord Lyndhurst exercised in the House of Lords was the conviction among his brother peers that, when he chose to bring his great powers as a speaker into play, the occasion was sure to be a worthy one. In this he presented a marked contrast to his great rival Brougham, whose restless energy and love of display were such, that he lost weight there by speaking too often and too long. Brougham, greedy of applause, whether of the crowd or of "the listening senate," was continually thrusting himself before the public. Lyndhurst, who set very little store by the *arbitrium popularis auræ*, partly from a certain indifference to praise, partly from the love of a quiet life, required the stimulus of some important question to make him descend into the arena of parliamentary conflict. But, when he did so descend, it was felt that he came there with his weapons well prepared, and brought into the field the concentrated force of ripened thought and well studied method. What to say was more his care than how to say it. Having fixed his facts and his line of argument, he

trusted to their clothing themselves in fitting words when he came to speak, not spending pains, as most great speakers have done, in preparing passages on which to rely for giving brilliancy or weight to the less apt language or looser rhetoric which the moment might suggest.

"Brougham," he said once to Mr. Whitwell Elwin, "says that he prepares the great passages in his speeches; and he weaves them with wonderful dexterity into the extempore portions. The seams are never apparent. I am not able to perform that double operation. Such an effort of verbal memory would interfere with the free exercise of my mind upon the parts which were not prepared. My practice is to think my subject over and over to any extent you please; but with the exception of certain phrases, which necessarily grow out of the process of thinking, I am obliged to leave the wording of my argument to the moment of delivery."

He might well do so. Though, like all great orators,[1] he never rose to speak, as we have seen from his own admission, without nervous emotion, this in no way interfered with his power of thinking as he spoke, and calling into play the fittest language to express what he thought. The intensity with which his intellect worked became contagious. He got his hearers' minds within his grasp, he made them think with him, see things with the same clearness as he himself saw them, and so led them insensibly up to his

[1] It is recorded of Cicero, that "he shuddered visibly over his whole body when he first began to speak." The late Lord Derby, to all appearance the most self-possessed of orators, told the late Sir A. Alison that "he never rose to speak, even in an after-dinner assembly, without experiencing a certain degree of nervous tremor, which did not go off till he warmed to the subject." (Alison's 'Memoirs,' vol. ii. p. 50.) Great actors, it is known, suffer in the same way, until they lose themselves in their parts.

own conclusions. In looking back on his speeches, whether judicial or parliamentary, which we had the good fortune to hear, his speaking recalls what Ben Jonson said of Lord Bacon's—"No man ever spoke more neatly, more pressly, more weightily, or suffered less emptiness, less idleness in what he uttered. No member of his speech but consisted of his own graces. His hearers could not cough, or look aside from him, without loss. He commanded when he spoke." It was well said of him by a writer in 1833: "You can hear a pin fall while he is addressing the House; you may imagine yourself listening to—looking at—Cicero. His person, gesture, countenance and voice are alike dignified, forcible and persuasive. No speaker of the present day has such a commanding use of the right hand and arm as he. With his long white extended forefinger he seems, as it were, to finish off his sentences with a visible point. He stands steadily, however vehement and impassioned in what he is delivering, never suffering himself to 'overstep the modesty of nature,' to be betrayed into ungainly gesticulations" —presenting in this respect a striking contrast to his great rival Lord Brougham.

The qualities of the two men were conspicuously shown in the debates on the Local Courts Bill in the session of 1833. The principle of the measure was sound, and was subsequently applied with great advantage on the establishment of the County Courts. But there were serious defects in its details, as might indeed be expected in a measure which aimed at making legal redress cheap, and establishing a new set of courts for that purpose. It threatened the interests of London attorneys, by removing into the country a large portion of their profitable business; it staggered lawyers of the old

school by founding tribunals where law might be cheap, but had little chance, according to their views, of being sound; it became a subject of party conflict, because of the vast amount of patronage which it would have at once thrown into the hands of the Government. The measure was one of the Chancellor's pet schemes of law reform, and it was allowed to go without resistance to a second reading. This was probably due to the circumstance of Lord Lyndhurst being absent from London upon circuit. He had, however, prepared the Chancellor by a letter from the country to anticipate opposition; and on the motion to send the Bill into committee, he stated his objections to the measure in detail with his usual clearness and force.

"He would freely admit," he said, "that with the multitude this was a popular measure. Well it might be so. It promised cheap—it promised expeditious law. These were plausible topics—topics well calculated to catch the breath of popular opinion. But it should be borne in mind—and he trusted the country and their Lordships would think well upon it—that cheap law did not always mean cheap justice, nor expeditious law expeditious justice. . . . He was ready to admit the existence of the great evils, and inconveniences, and hardships complained of in our present system, but unfortunately those hardships and inconveniences were almost inseparable from any system that could be devised. Justice must be administered upon some general rules, and in the adherence to those rules it would be impossible to avoid hardships and inconveniences in some cases. He was sure that, even in the new system which his noble and learned friend proposed, it would be impossible to avoid them."

After pointing out that in no country was more attention paid to the administration of justice between man and man, or with such excellent results as our own, he proceeded—

To what is this to be ascribed? To the central system by which the law is administered in England. Twelve or fifteen judges, educated in the same manner, sitting together at one time and in one place, consulting each other daily, and, if need be, hourly, subject to the criticism of their compeers, subject also to the examination of an acute and vigilant bar, kept constantly alive to the justice of the decision of the judges by their regard for the interests of the judges and their own credit,—ensure for the suitors a certainty, a precision, a purity, and even a freedom from the suspicion of corruption, such as no other country in the world could ever boast of.

He then dwelt upon the danger likely to result from placing the power of settling disputes, often involving intricate principles, in the hands of a tribunal composed of barristers of limited experience, where these securities for knowledge and freedom from personal bias could not be expected to exist; and skilfully illustrated his proposition by reference to abuses both in this country and abroad, where tribunals of a similar character had prevailed. In conclusion, he said, "he had told his noble and learned friend, some time since, that he should consider this Bill with candour and fairness. To the best of his ability he had so considered it, and he now thought its principle so mischievous that he felt himself bound, in discharge of the duty which he owed to his country, to Westminster Hall, and to himself, to arrest its progress at this stage."

This, however, he did not succeed in doing. The Bill was allowed to go without a division into Committee, where its clauses were elaborately discussed. But the more they were discussed, the less did the Bill grow in favour with the Opposition; and, when it came on for third reading (9th July, 1833), it was known that a still more determined attack than before

was to be made upon it by Lord Lyndhurst and those who shared his views.

A vivid account of what took place appeared at the time in a pamphlet by the late Mr. Samuel Warren, Q.C., from which we extract the following passages—

"We went to the House of Lords, expecting to see—in the language of pugilistic eloquence—'a fair stand up fight between the two big 'uns,' and were not disappointed. We knew that each had every incentive to exert himself to the uttermost on that occasion. It was the present and the ex-Chancellors fairly pitted against one another. . . .

"The House was soon filled, and the spaces at the bar and the throne crowded with members of the House of Commons. Precisely at five o'clock, the slim, spare, pinched-up figure of Lord Brougham was discovered sitting on the woolsack, his features full of feverish anxiety, and his gestures of impatience—beckoning hurriedly now to this, and now to the other friend, as he observed the Opposition peers flowing into the House.

"Lord Lyndhurst was one of the last that entered. Accustomed as we are to see his noble figure in the flowing costume of the Bench, we hardly recognised him in plain dress. His black surtout, elegant waistcoat, brown curly wig, and *ton*-ish hat and gloves, give you the idea rather of a colonel of a cavalry regiment, than of a grave law lord. Without an atom of foppery, there is a certain fashionable air about him which surprises one familiar only with the stateliness of the full-bottomed wig, bands, and ermine robe. A few papers peeping out of the breast-pocket of his surtout, together with a certain flush on his features, assured one that he had come prepared for battle. . . .

"The debate was opened by Lord Wharncliffe and some other peers. When Lord Lyndhurst rose almost every peer present turned instantly towards him in an attitude of profound attention—of anxious interest—and continued so till he had concluded; as well they might, while listening to one of the most masterly speeches ever delivered in Parliament. There was a manly fervour, a serious energy, in his tone and

manner—a severe simplicity of style—a beauty and comprehensiveness of detail—a graceful, good-humoured, but most caustic sarcasm—a convincing strength of argument, which elicited repeated cheering from the House—followed, at its close, by several minutes' applause; but the speech received from the Chancellor only one short allusion, and that characterising it as a piece of 'carping declamatory sneering.' Not a syllable of kindness—scarce of frigid courtesy—escaped his lips; while replying to a speech from his splendid rival, destitute of even a tinge of acrimony or personality. He was obviously mortified and alarmed at the powerful impression produced on all sides of the House by their ex-Chancellor. Lord Plunkett, on the contrary, commenced his reply, such as it was, with an admission, 'that he feared the House would consider him presumptuous in offering himself to their Lordships after the transcendant and masterly speech to which they had been listening; but he did not come forward in the hope of answering it.'"

Some excuse for Lord Brougham's failure to recognise the remarkable excellence of his adversary's speech may be found in the fact that he must have heard in it the death-knell of his Bill. The massive strength of Lyndhurst's argument was not to be overthrown. Brougham's embarrassment and chagrin are apparent throughout his long and vehement reply.[1] Lord Campbell says that the relative strength of political parties was fairly tried on the occasion. "The whippers-in on both sides exerted themselves to the

[1] "It would not be easy," says Mr. C. Greville ('Memoirs,' vol. iii. p. 7) "to decide which made the ablest speech; that of Lyndhurst was clear, logical, and profound, replete with a sort of judicial weight and dignity, with a fine and cutting vein of sarcasm, constantly peeping from behind a thick veil of complimentary phraseology. Brougham, more various, more imaginative, more impassioned, more eloquent and exceedingly dexterous. . . . It appears to have been a great exhibition. There was Lyndhurst after his speech, drinking tea, not a bit tired, elated and chuckling: 'Well, how long will the Chancellor speak, do you think, eh? We shall have some good fun from him. What lies he will tell, and how he will misrepresent everything! Come, let's have done our tea, that we mayn't miss him, eh?'

utmost in the muster of peers and proxies from remote parts of Europe." It probably was so. The third reading was negatived by a majority of only five; and not till twelve years afterwards was one of the main objects of the Bill effected by the establishment of the County Courts.

Lord Brougham was deeply mortified by the rejection of his Bill; but not even he ventured to impute it to "blind Tory bigotry," as some modern critics have done. He knew very well that its adversaries were right in several of the points that were made against the measure, and that it might have passed had it not aimed at doing too much.

He had drawn his chief arguments in its favour from foreign systems of jurisprudence. When a deputation of the principal agency firms of London attorneys waited upon Lord Lyndhurst, to ask him to oppose the Bill, he pointed this out to them, and told them he knew little or nothing of these systems. On this they undertook to obtain full information for him, and at their request Mr. Abraham Hayward, who had made a special study of foreign systems of jurisprudence, drew up a pamphlet, of which Lord Lyndhurst availed himself, and from which he showed that "his noble and learned friend had exceeded his usual allowance of inaccuracies." After the Bill was thrown out, the attorneys waited upon Lord Lyndhurst to make grateful acknowledgment for the service he had done them, when with his characteristic generosity he said, "Thank Mr. Hayward—he has done it all!"[1]

Lord Lyndhurst took no active part in Parliament

[1] 'Quarterly Review,' January, 1869, p. 27. Mr. Hayward, who had the best means of knowing, there says, Lord Lyndhurst had not prepared himself for his first speech against the Bill, but that he had fused his materials thoroughly in his own mind before making his speech on the third reading. It is certainly the better speech of the two.

during the session of 1834, devoting his whole energies to his judicial work, which was very heavy. But he had another reason for keeping retired in the unexpected death of his wife, to whom he was sincerely attached. She had been spending the autumn with her daughters in Paris, where he had joined her at the end of 1833 for his brief holiday. She was to have returned with him to London, and actually came with him as far as Beauvais, when, feeling unwell, she decided to go back to Paris. She was there seized with congestion of the lungs, and died not many days afterwards (15th of January, 1834). The tidings reached him on the bench of the Court of Exchequer.[1] The shock of the death of this beautiful woman, in the flower of her womanhood,—she was only thirty-nine—was very great, and it was long before he gained his usual buoyancy of mind. "His spirits," says his sister writing to Mrs. Greene five months afterwards, "are as good as I can expect, but he feels his loss severely. It is fortunate that his business engrosses so much of his time."

His visit to Paris at Christmas 1833 had a special interest for him in the presence there of Mrs. Amory, the daughter of his elder sister, Mrs. Greene. In her 'Life of Copley' (p. 363) Mrs. Amory writes—

"Lord Lyndhurst was older and graver than I expected. His first words [on our meeting] were, 'You look like my sister, my dear, and she was very pretty!' He asked

[1] This is how Lord Campbell mentions this event: "He was sitting as Chief Baron in the Court of Exchequer when he received the fatal news. He *swallowed a large quantity of laudanum*, and set off to see her remains. But his strength of mind soon again fitted him for the duties and pleasures of life." Had Lord Campbell really known anything of Lord Lyndhurst as a friend, he would have known that he never travelled at night without taking a small phial of laudanum with him mixed with water, to make him sleep. Out of this fact Lord Campbell's fiction was manufactured.

questions about Boston as if he had trod its streets but yesterday. . . . I saw him every day during that holiday visit. Late on New Year's Eve, coming to my gay apartment, he said, 'I bring you something, my dear, as fair as yourself, to open to-morrow morning,' and a lovely dress of the softest white satin rolled out at my feet, and made my heart glad."

Lord Lyndhurst's action in the House of Lords during this session was confined to carrying through a Bill, which was warmly supported by Lord Brougham, for neutralising to some extent the mischievous operation of Mr. Thellusson's celebrated will. He was content to stand aloof from the political conflicts of the hour, and to watch the growing disorganisation of the Liberal party, and the increasing weakness of the Grey Administration In May 1833 its efficiency received a rude shock from the secession of Mr. (afterwards Lord) Stanley, the Duke of Richmond, Lord Ripon and Sir James Graham. Earl Grey, who on this occurring had only waived his own desire to throw up the office of Premier in deference to the King's urgent request that he should remain, not long afterwards found his position to be so unsatisfactory that he resigned. His resignation, which he announced to the House of Lords on the 9th of July, seemed to the King to present an opening for a Ministry composed of the moderate men of both parties, strong enough to resist the pressure of the Radical party for reforms which he viewed with alarm. He opened his mind on this point to Lord Melbourne, and through him communications were made to the Duke of Wellington, Sir Robert Peel and Mr. Stanley. Lord Lyndhurst was then absent on circuit; but it will be seen from the following letter to him from Sir Robert Peel, explaining what had taken place and why such a fusion as

the King had hoped to effect was found to be impracticable, that, so far from any estrangement having arisen between them after the events of 1831, as has been often said, they were still working as cordially together as they had previously done.

Whitehall, July 15, 1834.

My dear Lord Lyndhurst,—I dare say that you have heard from other quarters authentic accounts of what has been recently passing in respect to the formation of a Government consequent on the retirement of Lord Grey. Still, I am unwilling that the transaction should be brought to a close without your receiving any communication directly from me. Had I thought there could be any doubt as to the course to be pursued, or that there could be the slightest reason for pressing your return to London, I should without scruple have written to you at once.

On Friday last Lord Melbourne wrote to me a letter stating that the day after Lord Grey's retirement the King had sent for him, and had delivered to him a memorandum[1] expressive of His Majesty's anxious wish to unite in one administration members of the late Government with the Duke of Wellington, Mr. Stanley and myself, and other persons agreeing with us in political opinions;—that to this memorandum Lord Melbourne had written a detailed reply, stating the difficulties which opposed themselves to such an arrangement, his own unwillingness to attempt to overcome them, and his conviction that they were insuperable.[2]

This reply Lord Melbourne was desired to communicate to the Duke, to me, and to Mr. Stanley, which he accordingly did in separate letters, adding that the tenor of his reply would show that he acted only in obedience to the express commands of the King.

In answer to a communication of this extraordinary nature, which referred me for the King's own sentiments not

[1] See this memorandum published in Baron Stockmar's 'Memoirs,' vol. i. pp. 324–5. English Translation. London, 1872.

[2] This reply is printed in Mr. Torrens's 'Memoirs of Lord Melbourne,' vol. ii. p. 4, *et seq.*

to the King's memorandum, but to the reply to that memorandum, and which alluded to a negotiation which was declared by the negotiator from the outset to be perfectly hopeless, and inconsistent with the character of the parties whom it was proposed to include in it, I merely replied that I was very sensible of the King's condescension in directing such a communication to be made, but did not consider myself called upon or authorised to make any further remark upon it.

On Saturday I received another letter from Lord Melbourne, informing me that the King wished me to make any remarks which might occur to me, and to send them through him.

On Sunday I sent to Lord Melbourne, open, a memorandum addressed directly to the King, in which I gave it as my opinion, that any junction between myself and members of the late Government was perfectly impracticable. I observed that, so far as I had the means of forming a judgment, the Government of Lord Grey broke up, not in consequence of opposition to its measures by hostile majorities, but in consequence of conflicting opinions among its own members, on certain questions involving either public principles, or considerations of policy so grave, that a compromise upon them was inconsistent with personal honour or a sense of public duty. If they, who agreed generally in their views of public affairs, could not with honour adjust their differences on specific measures pending in the Parliament, how could I, who disagreed in general views, and was still more opposed to their specific measures that are still pending, than any among themselves could be—how could I, with honour or advantage to the King's service, unite with any portion of the late government?

To prevent a possible misrepresentation to the King, that it was I who refused to listen even to the King's proposal to consider the possibility of a union, I added these words:—"Lord Melbourne justly observes that measures *still* under discussion or open to review, which he considers vital and essential measures, have lately encountered opposition from those with whom Your Majesty has desired Lord Melbourne to communicate,—and I must therefore express my entire

concurrence in the opinion which Lord Melbourne has already expressed to Your Majesty, that there can be no successful result of negotiations, in which, according to his own expression, Lord Melbourne would have everything to demand and nothing to concede."

The answer from the King to this was from himself—a very civil one—admitting that he thought the objections to union unanswerable. His practical conclusion was, to put the formation of the Government into the hands of Lord Melbourne.

The curtain will be drawn up on Thursday next at five o'clock, and the performances commence immediately afterwards. Lord Althorpe, I apprehend (of course by particular desire), will repeat the character of Chancellor of the Exchequer; but I have not heard what changes are contemplated in the other *dramatis personæ*, or whether any part has been assigned to Lord Durham,[1] who seems to breathe, through the *Times* of this morning, dissatisfaction with the present state of affairs. Ever most truly yours,

(Signed) ROBERT PEEL.

The allusion in this letter to Lord Althorp is significant. It was well known that he had long desired to shake off the cares of office. "Nature," he used to say, "intended me to be a grazier, but men will insist on making me a statesman." But his character and influence were such that without his support it was notorious that Lord Melbourne could neither hope to form a Ministry, nor would have accepted the responsibility of acting as their leader. To his pressing solicitations, therefore, Lord Althorp yielded, sacrificing his personal inclinations to the good of his party. But his continuance in office was precarious. His father Lord Spencer was failing in health, and on his death, and Lord Althorp's consequent elevation to the House of Lords, the Ministry must lose his support in the Lower House, where it was all-important in binding together

[1] No part *was* assigned to him.

the discordant elements of the Liberal party. The events of the session of 1834 made it more than ever clear that without his aid the Ministry would find themselves seriously crippled. They were, moreover, far from being in perfect accord among themselves. Not only, too, were the opinions of several of their number, in regard especially to the Church in Ireland, viewed with extreme suspicion by the King, but the secession of two at least of their most important members, who shared His Majesty's misgivings, was imminent, if these opinions were pressed.

Such was the state of things when early in October Lord Melbourne learned that Lord Spencer's death might be hourly expected. Upon this he wrote to the King (10th November, 1834) that he "apprehended the most serious difficulty and embarrassment would be the consequence of this event."[1] The same night Lord Spencer died, when Lord Melbourne again wrote to the King: "In the difficulty produced by this event, the first point to be looked to is to secure the continuance of the present Earl Spencer's services in some high and responsible office. His character and influence in the country render this a matter of primary importance." He then proceeded to express his apprehension that Lord Spencer would adhere to his formerly expressed resolution to retire from office on his father's death, but he still hoped "that a sense of duty and the evident difficulties of the country would be sufficient to overcome this determination." To this the King replied the same day that he was quite sensible of the value of Viscount Althorp's services in any station or situation, and of the

[1] The extracts from this and the other letters which passed between Lord Melbourne and the King, are taken from the copy furnished to Lord Lyndhurst immediately afterwards by the King.

advantages of securing them in some high and responsible office, but he "always considered that the embarrassment which the event which has happened would entail upon the Government, of which he is a member, would be chiefly felt in the loss of his services in the House of Commons."

The next day Lord Melbourne wrote again to the King, expressing anxiety to wait upon the King and receive His Majesty's commands.

"Your Majesty," he added, "will recollect, that the Government in its present form *was mainly founded upon the personal weight and influence possessed by Earl Spencer in the House of Commons, and upon the arrangement which placed in his hands the conduct of the business of Government in that assembly. That foundation is now withdrawn* by the elevation of that nobleman to the House of Peers; and in these new and altered circumstances, it is for Your Majesty to consider whether it is your pleasure to authorise Viscount Melbourne to attempt to make such fresh arrangements as may enable Your Majesty's present servants to continue to conduct the affairs of the country, or whether Your Majesty deems it advisable to adopt any other course."

Lord Melbourne concluded by stating his intention to wait upon the King at Brighton next day to assist His Majesty's views by "a full and unreserved personal communication upon the present state of affairs." The language of his letter was certainly not that of a man confident that he could make arrangements to fill with satisfaction to himself the void created by the removal of Lord Spencer to the House of Peers. So at least the King appears to have read it, for in his reply, while echoing Lord Melbourne's words above quoted, he adds: "He cannot help feeling also, that the Government exists by that [the Commons] branch only of the Legislature, and therefore that the loss of

Viscount Althorp's services in that House must be viewed also with reference to that contingency."

Even before his interview with Lord Melbourne it is more than probable that the King had come to the conclusion that a change of Ministry was necessary. He was much blamed at the time and since, as though he had *ex proprio motu* dismissed his Ministers. But some excuse may surely be found for him in the way Lord Melbourne spontaneously put before His Majesty the fact, that the very foundation on which his Administration rested was withdrawn, urging what Lord Grey had previously done, as appears from a passage in one of the King's letters, that without Lord Spencer the Government could not go on.

The difficulties which had thus been presented to the King's mind were not removed by his personal conference with the Premier. Lord Melbourne's biographer admits that, although himself convinced that Lord Spencer's ministerial aid was not indispensable, "he could not bring himself to say so to a weak and suspicious Sovereign." The loss of Lord Spencer, it appears however, was by no means the only difficulty. In the King's memorandum of the interview, dated the 14th of November, he says—

> His Majesty was aware also, from what Lord Melbourne had stated to him, that both Lord Lansdowne and Mr. Spring Rice had signified their intention of retiring, if the measures contemplated by some of their colleagues should be pressed; hence a schism in the Cabinet was threatened upon a leading question, and one upon which His Majesty was in feeling and principle opposed to the advocates of encroachment.
>
> The alternative which now presents itself could therefore not be long deferred, and His Majesty might find himself called upon to make his decision at a period and under circumstances which might be productive of much greater embarrassment and difficulty than any which could pos-

sibly in his opinion result from a change of Government at present.

Lord Melbourne has fairly admitted that he could not hope for success from any attempt at coalition at present, any more than he did when he accepted his present office, and His Majesty had reason therefore to apprehend the accession of strength and official aid must be sought in the ranks of those whom His Majesty could not look upon as being influenced by those Conservative principles for which he gave credit to his lordship and to some of his colleagues, to whom he looked for a correspondence of feeling with a confidence which the introduction of others less willing to support the established institutions of the country could not fail to diminish. Hence both His Majesty and his principal Ministers would be found in a false position.[1]

The King told Lord Melbourne that he should send for the Duke of Wellington, and his lordship returned to London to inform his astonished colleagues that their reign was at an end. Before leaving Brighton, however, he wrote to Lord Spencer to tell him what had occurred; and the language of his letter shows that he thought his correspondent would be neither surprised nor grieved, "as it would both relieve him from any further annoyance, and also fall in with his own opinion, viz. that it would be better that the Tories should make one more effort to form a Govern-

[1] Mr. Torrens, in writing his 'Life of Lord Melbourne,' does not seem to have had before him the correspondence we have quoted. He dwells upon the King's complaints about "the recent antics of the Chancellor," and his general dissatisfaction with him, as one of the chief motives of His Majesty's decision. Such topics are not even hinted at, either in the King's letters, or in his memorandum quoted in the text. It was well known at the time that the King, at Lord Melbourne's desire, altered the letter dispensing with the further services of the Ministry, omitting a passage which, it was thought, might wound the feelings of some of the Cabinet. Mr. Torrens says (vol. ii. p. 40): "The personal allusions to Lord John and the Chancellor were *thus* omitted, together with the imprudent declaration of Royal hostility to Irish Church Reform." The copy furnished to Lord Lyndhurst of this first letter is now before us. It contains not a word that can by possibility be referred either to Lord Broughham or to the Irish Church.

ment." The King's decision, he added, whether wise or not, he was convinced had been come to conscientiously, and upon his own conviction, and not in consequence of any other advice or influence whatever. ('Life of Lord Melbourne,' vol. ii. p. 41.)

Reaching London late in the evening, Lord Melbourne had resolved to delay till next day the announcement to his colleagues of what had taken place. But by an evil chance Lord Brougham called on his way home from dining at Holland House. Mad with rage on learning what had occurred, he at once concluded that the King's decision was the result of a party intrigue, of which Queen Adelaide was the head. He posted off to the *Times* office with the news, and next morning the Cabinet learned from that paper, at the same time as the rest of the world, that they were no longer in office, and that "the Queen had done it all."

Meanwhile the Duke of Wellington, who had not seen or communicated with the King for more than three months, received a royal summons at Strathfieldsaye, as he was starting for the hunting field. He posted off at once, and reached Brighton late on the evening of the 15th. No one was more surprised than the Queen to find the Duke's name unexpectedly on her list of guests for the day, for the King had told her nothing of what had been going on. The Duke was quite unprepared to find how matters stood. The Government had still an overwhelming majority in the House of Commons; and although it was tolerably clear that, if things went on a little longer as they had for some time been doing, it must break up, he pressed upon the King, as it might have been expected he would, the inexpediency and danger of discarding a Ministry who could plead this warrant for its continuance. For

a new Minister to carry on the Government successfully with the present House of Commons was hopeless; and it was by no means certain that a reaction in the country had taken place, which would upon a new election strengthen his hands sufficiently to make this task more feasible. While urging these views, the King's secretary, Sir Herbert Taylor, entered, and called His Majesty's attention to the paragraph in that morning's *Times*, with the offensive charge in it against the Queen. The King jumped to the conclusion, as nobody but Lord Melbourne knew the previous night what had taken place at their meeting, that he was the delinquent. "You see, Duke," he said, "how I am betrayed and insulted: will your grace compel me to take back people who have treated me in this way?" The Duke, thinking that the treatment was certainly not what the King was entitled to expect, especially as Lord Melbourne had by his letters almost courted the result which had taken place, yielded to His Majesty's wishes. He would however only act under Sir Robert Peel, who had gone to Italy for the winter, for he considered that except with him at its head no Conservative Government was possible. The Duke seems not to have doubted that Lord Lyndhurst would follow his example, and he left the King, promising to communicate at once with him, and to despatch a messenger to Italy in search of Sir Robert Peel.

Had Lord Lyndhurst consulted merely selfish interest, he might well have hesitated to forego his office of Lord Chief Baron, with its handsome salary, for the uncertain tenure of that of Lord Chancellor. For uncertain he must have known it to be, with the combination of both Whigs and Radicals which was sure to follow upon the act of the King. But he was not the man to turn back from the appeal made to him

by the King, and his friend the Duke of Wellington; and he at once gave in his consent to the Duke's arrangements, waiting for Sir Robert Peel's return, to confirm his nomination as Chancellor, and never doubting that Peel would undertake the onerous task which had been so unexpectedly thrown upon him. One thing is certain. Lord Lyndhurst always maintained that the King had reason on his side, and he accepted his full share of the responsibility of the dismissal of Ministers which attached to himself and his friends from taking office as their successors. In doing so he used the very words of Lord Melbourne's letter to the King of the 11th of November. "When," he said, "Lord Melbourne went to His Majesty, and said *the foundation on which his Cabinet had been formed had been taken away*, it was for His Majesty to say whether he should refer to other counsels, or whether Lord Melbourne should endeavour to continue the Government. * * * If I had been called upon to act in such circumstances, I should have acted exactly as His Majesty acted. I consider myself one of the Ministers responsible for what was done." (Hansard, 3rd Series, vol. xxvi. 129–30.)

On Sir Robert Peel reaching London (9th December) he immediately put himself in communication with Lord Lyndhurst, on whose courage and loyal support he knew he could count under all circumstances. The difficulties which he saw ahead made such a colleague of especial value both in council and in action. They acted in concert in all their deliberations, and it was after a Cabinet dinner at Lord Lyndhurst's that Peel's letter to his constituents, known as the "Tamworth Manifesto," announcing the character of his future policy, was discussed and finally settled.[1] This letter,

[1] Lord Campbell, with more than his usual recklessness, says ('Life,' p. 95):

which gave promise of several measures of legal, fiscal and ecclesiastical reform, was well received by the country. In England the effect was visible in the large preponderance of Conservative members returned to the new Parliament. In Scotland the balance of votes remained unaltered, while in Ireland the number of Mr. O'Connell's adherents turned the scale in favour of the Liberal party.

That party were not slow to seize the advantage given to them by what the King had done. It furnished them with that best of electioneering influences, a good cry. The abuse of the Royal Prerogative in seeking to over-ride the people's will as represented by the Liberal majority of the former Parliament, was descanted upon with a vehemence of invective which knew no bounds, and in which the men who had reluctantly come to the King's assistance were denounced as selfish intriguers, even by those who were cognizant of the real state of the facts![1] The triumph of party was, as usual, more thought of than

---

"Peel, on returning from Italy, although he acquiesced in Lord Lyndhurst's appointment as Chancellor, *reposed little confidence in him, and without consulting him wrote his 'Tamworth Manifesto.'*"

[1] "The great fault of the present time," Lord Melbourne wrote to Lord Auckland (11th of February, 1835), "is that men hate each other so damnably; for my part, I love them all." The language of not a few of his supporters must then have been very little to his taste. for the records of what was said by them at the time, both in and out of Parliament, speak little to their credit. Here is a specimen of the sort of stuff with which Mr. Joseph Hume entertained the House of Commons (27th of February, 1835): "What was Lord Lyndhurst? He was an apostate—a notorious apostate from the principles of his early youth. There were many Honourable Members in the House who could prove it. *They rememberea the time when he was brought from America, where he had been educated in republican principles,* and where he had imbibed doctrines, which he afterwards openly professed, far more radical than any which I have ever avowed." One wonders who the Honourable Members were who could speak to the facts here so confidently asserted. The republican principles and radical doctrines of a child of three years old, which Copley was when he was brought from America, would have been a curious contribution to human story. Why, one might ask, are men who from Whigs become Tories called apostates, and never those who from Tories become Radicals?

the interests of the State; and, whatever measures might be brought forward by Sir Robert Peel, however urgent in themselves, however salutary, it was resolved by his opponents should be resisted, as the projects of "sham Reformers." But it was hoped they might be kept from being so much as launched by such defeats in the early stages of the session as must compel Sir Robert Peel to resign.

On the election of the Speaker, the first of these defeats was inflicted, by the election of Mr. Abercromby in opposition to the Government nominee, Mr. Manners Sutton. An amendment to the Address was also carried, after three nights' debate in the Commons, by a majority of seven, expressive of regret that the progress of salutary reforms had been interrupted and endangered by the dissolution of the late Parliament. A similar amendment was moved by Lord Melbourne in the House of Lords. He could not have hoped for success, but the motion afforded an opportunity for Lord Brougham, in concert with whom the amendment had been drawn up, to make a furious onslaught upon the Ministry for giving countenance to what he stigmatised as an unprecedented abuse of the Royal Prerogative. As no member of the late Government had stronger reason than himself for resentment at what the King had done, the bitterness of his invective is easily understood, Not even his friend Lyndhurst was spared; but going the length of suggesting that his change of views on the Catholic question had been due, not to honest conviction, but to the wish to retain office, he provoked the Chancellor into giving him such a negative as had not often been heard in the House of Lords,

"The noble and learned Lord has dared to say that

I pursued the course I took for the purpose of retaining my possession of office. I deny peremptorily the statement of the noble and learned Lord. I say, if I may make use of the expression, he has uttered an untruth in so expressing himself. So far from that measure being brought forward and supported by us with a view to preserve our places, it must be well known that we hazarded our places by pursuing that course. What right, then, has the noble and learned Lord in his fluent, and, I may say, flippant manner, to attack me as he has dared to do? (Hansard, 3rd Series, vol. xxvi. 127.)

Later in the evening, Lord Brougham tried to explain that his language imputed no such charge; but with his wonted lack of good taste, although Lord Lyndhurst then took occasion to apologise for the warmth he had evinced, Brougham sulkily declined to retract any of the expressions he had used. This may have been due to the fact that he was still smarting under the severity of Lyndhurst's exposure of the misstatements on which his wild declaration had been based, and especially of the charge which he had brought against the Duke of Wellington, that he had repudiated his personal responsibility for the King's act, whereas the Duke had immediately before avowed in the broadest terms that the whole Ministry accepted that responsibility in its fullest extent.

It is one of the evils of writing speeches, as Brougham did, beforehand, that the speaker does not like to have his studied bursts of noble indignation thrown away, and so ignores the facts which render them inapplicable. Lyndhurst could make large allowances for his friend's peculiarities, and he was not the man to forget what Brougham had done in making him Chief Baron. Angry as the words were which passed between them on this occasion, they made no breach in their friendship—a fact to which Brougham bore testimony a few months after-

wards during the debate on the Corporation Reform Bill (30th August) in the words, "In all our conflicts, political and professional, nothing has for a moment interfered with that friendship which unites us personally." (Hansard, 3rd Series, vol. xxx. 447.) It says much for Lord Lyndhurst's forbearance that this was so, for the provocation he had received from the intemperate energy of Brougham during the immediately preceding months was such as might well have occasioned a lasting estrangement.

Lord Brougham fought with double zeal, because he looked to being thereby enabled to resume the seat upon the Woolsack from which he had been so suddenly deposed. Great was his chagrin to find, when Peel resigned (April 1835), after being defeated by a majority of 33 on a motion of Lord John Russell in regard to the temporalities of the Church of Ireland, that this hope was not to be realised. But he was so far appeased for the time, that he became a zealous and certainly most useful supporter of the new Melbourne Administration during the remainder of the session.

CHAPTER XIII.

Municipal Reform Bill—Opposed by Lord Lyndhurst—Attacked by Lord Melbourne and Lord Denman for having once held Radical opinions—Vindicates himself—Lord Lyndhurst's relations with Sir Robert Peel—No foundation for statement that he had at any time sought to supersede Peel.

LORD LYNDHURST descended once more from the Chancellor's seat with perfect equanimity. His leader, Sir Robert Peel, had fought the battle of his party manfully and with skill, leaving behind him, even in his defeat, an impression which was sure to be serviceable at some future, perhaps not distant, day. It is recorded by one of the Chancellor's guests, on the day of his resignation of the Great Seal, that he was in jovial humour, and quoted after dinner, with a characteristic gaiety of manner, the lines of his favourite poet:

". . . . o fortes, pejoraque passi,
Nunc vino pellite curas."

If he did not add the lines that follow, their equivalent was certainly present to his mind. "The whirligig of time," he knew, was sure to "bring in its revenges," and sooner or later the combination of the discordant forces, Whigs, Radicals and Repealers, which had upset the Peel Ministry, and on which their successors rested, must crumble to pieces.

Being now released from constant judicial duty, Lord Lyndhurst was free to devote his energies to

work in Parliament. His first appearance there was to introduce (June, 1835) a Bill to make void marriages with a deceased wife's sister, which had hitherto only been voidable. As this state of the law was productive of great injustice and inconvenience, it was a boon to society to make that nullity certain, which had hitherto been certain or uncertain, according as the marriage had been impugned or not. The Bill only affirmed, but did not alter, the existing law, which had been uniformly enforced when a marriage of this nature came before the Courts. This measure met with no serious resistance and became law.

Lord Lyndhurst did not, however, put forth his strength until the Government measure for Municipal Reform came up to the House of Lords. It had long been obvious that this was a question which must be dealt with in a comprehensive way. A Royal Commission had been appointed when Lord Brougham was Chancellor, to inquire into the state of the Municipal Corporations; and from the allusion to this fact in the King's Speech, it may be concluded that some measure of reform would have been introduced by Sir Robert Peel, had he remained in office. He had done his best during the discussions in the Commons so to modify the Government Bill that it should not confiscate the existing rights of freemen, or be made an instrument for throwing power exclusively into the hands of the Radicals. But his amendments on these and other points had been rejected; and the Bill was sent to the Upper House in a form which was sure to bring upon it a storm of opposition. There were special reasons why this should be so. The Commissioners, with one exception, had been all avowed Whigs or Radicals. Some of them had conducted their inquiries in several

instances with great laxity, if not unfairness, and the evidence on which their report was based was not made public, although charges of abuse by corporations of their privileges were stated in the preamble of the Bill as one of its chief foundations.

The charge of the Bill in the House of Lords was entrusted to Lord Brougham; and, although the success of Lord Lyndhurst in various stages of his opposition must have been very galling to him, he did not fall again into the error of attacking him on personal grounds. Not so, however, some of the other peers, who, finding themselves unable to meet argument by argument and fact by fact, had recourse again to the old charge against their formidable assailant, that he had abandoned the Reform principles of his early manhood for those which he now held.

The first to take up this note was Lord Lansdowne. In dealing with the constitution of the Royal Commission, Lord Lyndhurst had spoken of the Commissioners as being all, except Sir Francis Palgrave, "Whigs or something more." He made no charge against them on this ground, but simply pointed to the fact as throwing a suspicion on the impartiality of their conclusions, which ought to have been avoided by the appointment of a less prejudiced tribunal. Turning this into a charge against the political opinions of the individuals, Lord Lansdowne added, "if the circumstance of an individual having been 'a Whig or something more' were to be a disqualification, it would reach to much higher and more eminent characters than those who have been the subject of the noble and learned Lord's insinuations." The logic here was as bad as the innuendo was unjustifiable.

"I beg to say in explanation," said Lord Lyndhurst, "that I made no charge against the Commissioners; my charge

was against those who appointed them. I did not intend to say that the Commissioners had not acted according to their best judgment, but everybody knew that party feelings might give a bias to men's minds. Further, I feel that the noble Marquis, in what he has said of those who were Whigs and something more than Whigs, has conveyed an insinuation against me. I never belonged to any political party till I came into Parliament. I never belonged to any political society. I have been in Parliament sixteen years, and I wish the noble Marquis to point out any speech or act of mine which can justify my being described as a Whig, or something more than a Whig."

To this challenge Lord Lansdowne made no reply —for none could be made. But in the further discussions, when Lord Lyndhurst had carried amendment after amendment, supporting his views by a weight of argument, before which even Lord Brougham showed himself powerless, the attack was renewed (13th August) by Lord Melbourne, and upon the same pretext of vindicating the Commissioners.

"When," he said, "the noble and learned Lord stood in the situations of these barristers, when the noble and learned Lord was at the Bar, if any man had said of him that he was a Whig, would he not have said that he was treated with injustice? And yet, my Lords, if any man had acted upon the general reputation of that noble and learned Lord, or had formed his opinion of that noble and learned Lord's political sentiments from the reputation of his most private friends and companions, undoubtedly he would have so characterised him. Does the noble and learned Lord deny that such was his character. No; on the contrary, he admits it."

Here Lord Lyndhurst started up and interposed—

The noble Lord says I admit it. My Lords, I never did admit it, I do not admit it; *there is not the slightest foundation for the statement. I heard of the attack, and I repelled it, and it never was renewed till lately. It is a base calumny,*

and I give it the most unqualified contradiction." (Hansard, 3rd Series, vol. xxx. 439.)

Even if it had been true that Lord Lyndhurst's political opinions had undergone a change from the wildest Radicalism, what had this to do with the question whether and in what way municipal institutions were to be reformed? What the friends of the Ministry had to do was to meet his amendments by argument, not by reference to opinions of a past day. But being unable to do this, his professed friend Lord Denman came down to the House a fortnight afterwards, not having been present to hear Lord Lyndhurst's repeated disclaimer of any complaint against the political opinions of the Commissioners, to again accuse him of having attacked them, and to repeat the personal charge against himself.

"The Commissioners," he said, "had been described as entertaining extreme opinions on political subjects. Such an imputation was more applicable to the noble and learned person by whom it had been made. For that noble and learned Lord he had a great respect; he was indebted to him for a long succession of kindnesses; if it was a calumny to declare that he had changed his opinions on such subjects, he could only declare that he uttered it with perfect good faith, and that he believed it was the perfect conviction of all who knew that noble and learned Lord." (Hansard, vol. xxx. 1042.)

Here at length was an opportunity of grappling with one who vouched himself as an authority for the often exploded charge. Lord Lyndhurst seized it with avidity.

"My noble and learned friend," he said (Lord Denman was now Chief Justice), "has alluded to opinions which he states were formerly entertained by me, as a matter of accusation against me; but he had not condescended to adduce a single

fact in support of his charge.' I have nothing, therefore, to meet. I do recollect, however, that in the other House of Parliament my noble and learned friend did, *during my absence,* bring a charge against me of a somewhat similar nature to that which he has to-night preferred; and the only fact which he brought forward in confirmation of his statement was, that I supported some of the opinions of Sir Samuel Romilly. I suppose my noble and learned friend alluded (I cannot assert positively what was his meaning) to my having supported the views of Sir S. Romilly with respect to the amelioration of the criminal code. Now the fact is, I supported some of the attempts which that learned individual made to ameliorate the criminal code. I opposed other attempts of his for the same object. That, however, was the only direct charge which my noble and learned friend then alleged against me with reference to the general accusations which he preferred.

"When a fact is stated I know how to meet it; when any particular opinion is impugned I know how to rebut the allegation; but whilst my noble and learned friend throws his arrows in the dark, I know not what to combat. I have been on terms of intimacy with my noble and learned friend for a long period; I went the same circuit with him; I have been engaged in conversation with him at different times; and if he speaks of a period of twenty years past, I can only say I am unable to call to my recollection the particular opinions which I might have then entertained or expressed with reference to political measures; but I can assert that I never belonged to any party or political society whatever.

"In the absence of any specific facts, I am driven to the conjecture, that my noble and learned friend alluded to my conduct at the time Lord Sidmouth was at the head of the Government; during that time I had some connection with some persons in that Government; and my disposition and wish were so far from thwarting (as the noble and learned Lord would seem to imply), that I was desirous to support the course of that particular Government. I then never embarked in politics; I did not belong to any society or party; and I never wrote a political article on either side of any question which might then have been agitated. This was

my conduct until I came into the other House of Parliament, now twenty years ago. From that time my life has been before the public; my course has been direct and straightforward. I have always belonged to the same party, and I have entertained the same opinions from that time to the present. Previously to the time of my entrance into Parliament, what expressions I uttered on individual measures it is impossible for me to state, but I can unhesitatingly aver that I belonged to no party, and that I was attached neither to the Whigs nor to the Tories, nor, as my noble and learned friend would insinuate, to the Radicals. This is a plain exposition of my political life. My noble and learned friend, alluding to discussions on measures more than twenty years ago, states no fact, no opinion, or anything in favour of the deductions which he has now drawn."

Lord Denman had come down to the House expressly to demonstrate that Lord Lyndhurst had "said the thing that was not" in the point-blank denial which he had given a fortnight before to Lord Melbourne. This came out very awkwardly for him in a weak apology made for him by Lord Brougham later in the evening. Here then was the opportunity to make good assertions which he had been actively circulating for years, and to prove that Lord Lyndhurst was the "villain and democrat" he had called him (*ante*, p. 297). Thus challenged, however, he had nothing to fall back upon but vague assertions of an impression generally prevailing, that Lord Lyndhurst, when at the Bar, had entertained what were called Liberal opinions. Finding this would not do, Lord Denman then set up the preposterous pretext, that Lord Lyndhurst had owed his early successes at the Bar to the prevailing impression that this was the case. Lord Lyndhurst's reply was conclusive, for the only political trial in which he had appeared for the defence was, as the reader will remember, Watson's,

where he had been selected by the arch-Tory, Sir Charles Wetherell, to act as his junior. The impression produced in the House by what passed was so entirely in Lord Lyndhurst's favour, that no attempt was ever afterwards made by Lord Denman or any one else to renew in his presence the charge, which, if true, would have really been of no moment, that he had abandoned his early political opinions. The insinuation that he had done so for place and favour, one of the stock falsehoods of party malevolence, was one which he never stooped to notice.

Lord Campbell has been at pains, by introducing words of his own, by garbling some passages of Hansard, and by wholly omitting others, to give so false an impression of what took place on this occasion, that, in justice to Lord Lyndhurst, it is necessary to give Hansard's report verbatim. Lord Denman began his reply by saying that the calumny of which Lord Lyndhurst complained was one which had often been repeated. He does not venture to say that it was true, but only that he had stated it, "believing it to be true, and that he would now believe it to be true" but for Lord Lyndhurst's assertion to the contrary. He continued—

And really I feel somewhat astonished that when the question is, as to what really were the political sentiments of my noble and learned friend, he should plead forgetfulness with reference to opinions he entertained twenty years ago undoubtedly, but still when he was of the mature age of thirty. Up to the period that he came into Parliament the universal impression of those who lived on terms of close intimacy with my noble and learned friend,[1] was that his opinions were (not with reference to any one particular measure, or any

[1] Were these the gentlemen referred to by Mr. Joseph Hume, who professed to have known him when "he was brought from America, imbued with republican principles"?

one occasion) generally and unequivocally what would now be called Liberal. Those opinions were not uttered merely in the presence of those who were intimate with him, or in the course of private conversation, but they were avowed rather as if my noble and learned friend felt a pride in entertaining and avowing them. And I will take the liberty of telling my noble and learned friend, that though his great talents must have ultimately secured to him the rank he holds, yet that he undoubtedly owed his first advancement to his devotion to those who entertained the most Liberal opinions in politics. With regard to my noble and learned friend's opinions respecting Lord Sidmouth's Administration, it was the conviction, I venture to say, among those who know him best, that he was favourable to the sentiments of the opposition of that period. I beg to be understood as standing corrected in that opinion.* * *

Lord Lyndhurst.—I don't understand what my noble and learned friend means by the term "Liberal opinions," when he says that I owed my political advancement to those who professed them. *Up to the time of my entering Parliament, I was engaged in my profession, and I had no object out of it. I received a note from Lord Liverpool, asking me to call on him. I went to him and was quite surprised when he asked me if I had any objection to enter Parliament. I required some time to consider, and the result was, that I consented and went into Parliament. That was my first embarkation upon the stormy sea of politics—one very uncongenial to my feelings, very foreign to my habits, and on which I am engaged on this occasion purely accidentally.*

Lord Denman.—If I said that my noble and learned friend owed his advancement in political life to his coinciding with those who entertained Liberal opinions—I meant to allude to his professional advancement. [Truly a strange confusion of ideas for a Chief Justice.] My memory, however, deceives me very much, if those who encouraged his rising talents, and stimulated his early and constant attention to his professional pursuits, were not inclined to do so by *their impression* of his Liberal opinions in politics.

Lord Lyndhurst.—I was never engaged but in one political defence. That was on the trial of Watson. *On*

that occasion Sir Charles Wetherell called on me as a common-law lawyer, and asked me if I would agree to join him in the conduct of that defence. After taking a short time to consider, I answered that I would. Now that is the real history of that transaction.

Lord Denman had little reason to congratulate himself on the events of that evening. He had intended to injure as far as he could the character for truthfulness of the man to whom by his own admission he owed a succession of kindnesses (and of whom, it may be said in passing, he did not scruple afterwards to ask, and not unsuccessfully, for more), and in doing so he had, as Lord Ashburton presently said in the House, "introduced a degree of violence and personality into the debate of the evening, of which he, Lord Ashburton, had seen no example in that House." But Lord Lyndhurst could have desired nothing better than that he should thus be brought face to face with his accuser, and compel him to own the flimsy pretexts on which his accusations rested. It is pitiable to see them dwindling down to conclusions drawn from the fact that Lyndhurst, when struggling into notice at the Bar, had acted for Nottingham machine breakers, and had excited general attention by his masterly defence of Watson.

Although Lord Brougham did his best that evening in defence of Denman, he obviously did not attach much weight to what he said of Copley's early opinions, or regard the imputation that he had been a Jacobin as more than a crotchet of Denman's. (See Brougham's 'Life,' vol. iii. p. 435.) He at least was too generous an adversary not to acknowledge that Lyndhurst had fought the opposition to the Municipal Corporation Bill upon the broad ground of principle, supported by well-ascertained facts, with courtesy

to his opponents, and the absence of all personal bitterness. Looking back upon their struggles upon this Bill, Lord Brougham, writing in 1861, says of Lyndhurst—

> He was a most effective adversary in the Lords. His legal learning and reputation, his former official experience and character, his admirable power of clear, condensed statement, far exceeding that of any man I ever knew; his firm courage, his handsome presence, his musical voice, his power of labour, when he chose, though generally hating work—made him a most formidable antagonist. No one can better speak of his great resources and powers than I can. We alone fought the Municipal Bill in 1835. No one helped me for it, no one helped him against it; he beat me on some important points; but I succeeded upon the whole.

Lyndhurst did not try to defeat the Bill. He honestly attempted to improve it; and the best evidence that he succeeded is the fact that the Commons accepted his most important amendments, and modified others in a way to which he did not object. An amicable adjustment between the two Houses was thus arrived at, and the Bill, which has proved an excellent one in practice, became law.

Lord Campbell, who was sponsor for the Bill in the Commons, has of course no good word to say for Lord Lyndhurst's interference with his handiwork. He makes much of the fact that on one or two minor points Sir Robert Peel did not object to clauses which Lyndhurst attacked. He even records that, when the Bill was in the Lords' Committee he took Lyndhurst aside "and reproached him with striking out clauses which Peel had approved of, and supported in the Commons," showing in this a true partisan's incapacity to understand that any member of a party should exercise his independence of judgment. He seems

not to have seen that if Lyndhurst had given way to an appeal of this kind, he would have implicitly admitted that he had no faith in his own objections to the clauses. "Peel! What is Peel to me? D——n Peel!" was the only answer his impertinence—for impertinence it was—drew from Lord Lyndhurst.

The divergence between the views of Sir Robert Peel and Lord Lyndhurst on several points of the Government Bill was made the most of by the Government and their friends. While it was in Committee in the Lords, and Lyndhurst was carrying amendment after amendment, Peel went down to Drayton Manor, —in a pet, it is said, and with the intention not to return to lead a party which seemed to have chosen Lyndhurst for their chief. It was therefore a surprise, when he came back to town, and took part in the discussions in the House of Commons upon the Lords' Amendments. These had been carried by such large majorities, that some of the Cabinet had doubted whether they could go on with so formidable an array against them in the House of Lords, while others were for rejecting the amendments, and appealing to the country against this aristocratic defiance of the Commons' majorities. Lyndhurst, however, felt assured they would do nothing of the kind, and said so to Charles Greville (20th August). "Oh, they will take the Bill," were his words, "because they know it does their business,"—that is, gave political predominance to their party—"though not so completely as they desire."

The idea that Lyndhurst aspired to ousting Peel from the leadership of his party, because he adopted a course of his own in resisting this particular Bill was, however, commonly taken up by his adversaries; and this circumstance, combined with the rumour that the

Ministry were shaken by his successes in the House of Lords, probably gave rise to a report, to which currency was given by the able memoir of him which appeared in the *Times* (13th October, 1863), the day after his death, and given with an air of unquestionable authority.

"While," said the writer, "the Melbourne Ministry was tottering, and Sir Robert Peel was simultaneously silent in the House of Commons, or sulking at Drayton Manor, His Majesty, not liking to ask the Duke a second time, directly appealed to Lord Lyndhurst to take the reins if Peel refused. The high courage and self-confidence of Lord Lyndhurst could only admit of one answer. He accepted His Majesty's expression of his desire as an injunction, and the terms on which he was to assume the Premiership were as formally arranged as such terms ever are. He was to have twelve seats placed at his disposal in the Commons for young aspirants of his party capable of rendering him service in debate. Those who were to occupy them were indicated wholly or in part, and our readers will learn a remarkable proof of his lordship's discrimination, when we mention that the first on the list was Mr. Disraeli, then a young man not yet recognised by the public as a statesman. Another was Sir Frederick Thesiger, and a third Mr. Beckham Escott. At the suggestion of the King himself, Lord Lyndhurst was to have had an earldom, and with the title of 'Earl Copley' was to have led the ranks of the reaction, and to have dictated the policy which the country was now evidently preparing to receive from a Conservative Ministry."

This is a choice specimen of the way history is falsified. A statement is made with a circumstantiality of detail which seems to vouch for its truth. It is published in a quarter where accuracy is presumed. The chief actor in the story is dead, and as it can receive no authoritative contradiction from him, it gets repeated until it passes into general belief. In no one particular is there the slightest foundation

for the story thus elaborately told. Monstrous in itself, as implying gross treachery in both the King and Lord Lyndhurst,—in the King to his Ministry, to whom he was ostensibly giving his confidence, and in Lord Lyndhurst to Sir R. Peel, with whom he was then acting, and under whom he was ready to act on all questions of general policy—it is ludicrous in the suggestion that twelve seats in a Reformed House of Commons could have been placed at Lyndhurst's disposal, or that he would have displaced the tried men of his party in order to face with novices in the political arena the combined forces of Whigs and Radicals whom he would have had to encounter. However Lyndhurst may have differed on particular questions from Peel, or thought him mistaken, as it is well known he did think him, in not having infused new blood, and a spirit more in consonance with the altered circumstances of the times, into his last Ministry, still he looked steadily to him as entitled by experience and by his influence in the country, to be the leader of his party. Moreover, under no circumstances whatever would he have agreed to become Premier either then or at any other time. His ambition was regulated by knowledge of what he could and what he could not do. What he could not do thoroughly and well he would not do at all; and for the labours attending that office he considered himself wholly unfitted.

Lord Lyndhurst throughout this contest was fighting for principles. He was the chosen mouthpiece of the Peers with whom he generally acted. As he said himself, he was no volunteer, but had yielded to their solicitations that he would take the management of the Opposition, in a question on which they thought from his professional habits he was qualified to lead

their forces. His last words in the final discussion on the Bill were—

> I yielded to their solicitations; and, having done so, I have endeavoured to discharge my duty to them, and to my country, firmly, strenuously, and to the best of my ability. I have been charged with having some party views to accomplish, some indirect ambition to gratify by this opposition. I deny it once and for ever. All my ambition has long been satisfied. I have twice, to borrow a phrase from these municipal proceedings, passed that chair [pointing to the woolsack]. I have twice, to borrow a phrase from a successful revolutionary usurper, had that splendid bauble [pointing to the mace which lay on the woolsack] carried before me. Whatever ambitious views I may have had in early life have all been fulfilled. My ambition has been gratified. I have no wishes unfulfilled. (Hansard, vol. xxx. 1351.)

These words were sincerely spoken. But his country had yet further claims upon him; and when such claims arise, it rests not with men so eminently endowed as he to determine, "what they shall do or what refuse."

CHAPTER XIV.

Irish Municipal Corporations Bill—Opposed by Lyndhurst—Vindication by him of his Speech in Opposition—Replies to Sheil, O'Connell and Lord John Russell—Bill defeated—Lyndhurst opposes Government Measures of Legal Reform—His Reasons—First Review of the Session—Death of his Mother—Letters from the Duke of Wellington and Lord Brougham.

WHEN in the next session (1836) the Ministry introduced their Irish Municipal Corporations Bill, there was no room for saying that any difference of views existed between Peel and Lyndhurst. The arguments advanced by Peel in the House of Commons against the Bill without success, were taken up and pushed vigorously home by Lyndhurst in the Lords. The result was that the measure was there cut to pieces; the Commons refused to give way, the Lords would not yield, and the Bill was lost. The working of the English Bill had already given some colour to the apprehension of the Conservatives, that it would be used for political purposes, and it told by no means in favour of a similar measure for Ireland that O'Connell, who was now in intimate alliance with those very Whigs, on whom he had for years poured the phials of his bitterest wrath, had said of the new Town Councils, that "there was not one of them that will not be converted into a normal school for teaching the science of political agitation." Too long had agitation been the chronic affliction of Ireland, fatal to its social welfare, and to the extinction of the party rancour by

which the country was torn. That the existing Irish corporations ministered to the evil, by the fact that the power under them was all in the hands of the Protestant party, was admitted alike by Tories and by Whigs. Peel and his friends were quite content that they should be extinguished, but they objected to the setting up by the proposed Bill of new corporations, which would merely intensify the evil by taking the preponderance of power from the Protestants and throwing it into the hands of the Catholic party, whose avowed aim, now openly inculcated from one end of the island to the other, was the downfall of the Protestant Church, and the dismemberment of the Empire.

The burden of the contest fell, as might have been expected, on Lord Lyndhurst. His speeches can be read now with instruction for the way in which the causes of Ireland's failure to take its due place in the United Kingdom, and the remedies needful for its peace, are discussed. They were, like all his speeches, weighty with argument, and attractive by the purity and force of their style. The phrase which is said to have been applied by him in one of them to the Irish, that they were "aliens in blood, and language and religion," was pounced upon by O'Connell, Sheil and others, and used to stimulate the indignation of their countrymen against the House of Lords, and particularly against him who was now by far the most influential man in its debates. Hansard will be searched in vain for the phrase, and Lord Lyndhurst always denied that he used it. The only passage out of which such a phrase could be construed occurs at the close of Lord Lyndhurst's speech (26th April, 1836).

He had been arguing against the proposition that,

because England and Scotland had corporations, Ireland also ought to have them.

"Ireland," he said, "stood in a situation quite different from either England or Scotland. Ireland originally consisted of two parts—one part English, the other Irish—and these two were diametrically opposed to each other. Unfortunately, at the time of the Restoration another principle of division was introduced between these two parties, and it was now English and Protestant, Irish and Catholic. These parties were opposed to each other with great bitterness, and on many occasions with great intensity of feeling. Who, then, would say that what was good in one country must necessarily be good in the other?—that what was adopted here, and found to be beneficial, must necessarily be beneficial to Ireland, and ought at once to be extended to that country? The reasoning was perfectly childish, and if it were allowed to obtain for any length of time, or to govern the mind of such an assembly as their Lordships, it would, indeed, be working out one of the sayings attributed to one of the chancellors of Ireland—'making of history an old almanac.'"[1] (Hansard, vol. xxxiii. 297.)

There is here not a word to justify the phrase "aliens in language;" but the germ of the other words of the well-known sentence is undoubtedly there. Lord Lyndhurst, as we shall presently see, would not admit that he used that sentence. Lord John Russell (in a debate on the Lords' amendments, 9th June) vouches, that with his own ears he heard Lord Lyndhurst say, that "three-fourths of the people of Ireland were aliens in blood, differing in language, differing in religion, and waiting only for a favourable opportunity of throwing off the government of this

[1] Lord Plunkett was the author of the phrase. He did not, as is commonly said, "call history an old almanac," but he said, if legislators did not "vary the forms and aspects of their institutions so as to reflect the varying aspects and forms," which the flight of time and the development of new conditions produced, "philosophy would be impertinent, and history no better than an old almanac."

country as the yoke of a tyrannical oppressor." The very next day Lord Lyndhurst dealt with the charge, when presenting a petition from Rochdale in favour of the Lords' amendments on the Bill.

"There are," he said, "two descriptions of misrepresentation. The one is of words used by a speaker, the other of the sense in which they were used, and of their application to his argument. The latter species of misrepresentation is more artful and more mischievous than the former, because it is not so easily detected and exposed. Such misrepresentation, whether of the one kind or the other, whether it proceeded from a demagogue on the hustings, a hired mercenary, who had not inaptly described himself as speaking daggers but using none, and as one whose weapons were words, or from a Minister of State in his place in the Senate, could not but be considered by every fair and honourable mind, he would not say contemptible, but in the highest degree reprehensible and unwarrantable. The time would, however, soon arrive when, having heard all the charges that could be brought against him, he should have an opportunity of answering them, of exposing their author, and of proving their utter futility, whether they had reference to what he might have said at the bar of the House, or what he might have said standing in his place among their Lordships." (Hansard, vol. xxxiv. 297.)

Lord Lyndhurst was not aggressive. No one bore better than he a well-delivered rejoinder in debate. But touch him on a point of honour, or strike a foul blow, and *Nemo me impune lacessit* was his motto. The opportunity he referred to came a few nights afterwards—when the debate on the Bill was resumed on its coming back with the Commons' amendments. A fine display of his powers was expected. Charles Greville was present, and he says, "Lyndhurst spoke very ably, by far the finest style of speaking, so measured, grave, and earnest, nothing

glittering and gaudy, but a manly and severe style of eloquence." The criticism is in all respects just. Lord Melbourne had opened the debate in a speech chiefly made up of a personal attack upon Lyndhurst. Point by point was taken up in the reply, and with crushing effect. Melbourne had referred to the old, stale topic of the Catholic Disabilities Bills, and made it matter of complaint that Lyndhurst had said that the consequences which resulted from the Relief Bill had proved contrary to his expectations. "I repeat that observation," said Lyndhurst in reply: —"the consequences which have resulted from that measure, the conduct of those individuals who were parties to it, and who were eager for its accomplishment, have disappointed my expectations." He then turned the tables on the Premier by a reference to his own speech, in which he had illustrated the halcyon calm that was to result from Catholic emancipation, by a quotation of the well-known passage from Horace (Odes, i. 12), in which a sea storm is lulled on the appearance of the *Alba Stella* of Leda's twins. "Mark," he continued, "the effects which have flowed from that measure. Step by step, since then, encroachments have been made upon the Protestant establishment, and continued with pertinacious animosity, contrary to the pledges at that time made as an encouragement to pursue the course we then adopted."

Lord Melbourne had also in his speech fallen into the strain of menace, which at that time was prevalent among his more violent supporters, against the House of Lords for venturing to entertain an opinion of its own as to what was the best way of improving the municipal system in Ireland.

"Both Houses," said Lord Lyndhurst, in words worthy

to be remembered, "have agreed that those institutions are vicious and ought to be reformed; but they are not agreed upon the means by which this is to be effected. The noble Viscount seems to conceive that we are, to a certain extent, bound to follow the opinions of the other House upon this subject. I beg leave to say that this House also represents the nation—that we are no less the representatives of the nation than the House of Commons, which is stated to represent the people; and I believe at this moment, that we as fully, and no less fairly, represent the opinions, the sentiments, the feelings of the great body of the nation, as their representatives in the other House of Parliament. I feel the utmost possible respect for the opinions of the other House, and whenever I have the misfortune to differ from them upon any conclusion of state policy—and I am sure my noble friends around me are impressed with the same conviction—I feel it to be my duty cautiously to deliberate, and fully to consider that difference; but when I am not entirely convinced by the reasons they allege, it is my duty, as an independent member of Parliament and of this House, to act according to the dictates of my unbiassed judgment. That is the course I have pursued—the course which the noble Lords with whom I am acting have, I am persuaded, pursued. It is because we feel that the consequence of the measure as sent up to us originally by the other House and as presented to us in its amended form, would be productive of mischief to the United Empire, and of great evil and calamity to Ireland itself, and that it would be fatal to the Protestant interests of the country—it is because we are impressed with this conviction, that we refused to pass the Bill in its former shape, and it is on the same grounds that we are disinclined to adopt the amendments now proposed to us."

The speaker then turned to the personal attacks upon himself for what he had said on the 26th of April. Who, he asked, were his accusers? First came Mr. Sheil, whom he dealt with lightly and playfully, and then turned to Mr. O'Connell. Very adroitly he called into play a description of the arch-agitator

given not long before by Lord Melbourne, as far surpassing in vividness of delineation any portrait which he could himself hope to draw. But he then proceeded—

This person has so scathed himself, has so exhibited himself in a variety of postures—not always the most seemly and decent—amid the shouts and applause of a multitude, that all description upon my part is wholly unnecessary. But these exhibitions have not been bootless to him; he has received lavish contributions, I may say ducal contributions, from the connections of the present Government, while at the same time he has wrung, by the aid of the priests, the miserable pittance from the hands of the starving and famishing peasant. This person has, in every shape and form, insulted your Lordships, your Lordships' House, and many of you individually—he has denounced you, doomed you to destruction, and, availing himself of your courtesy, he comes to your Lordships' bar, he listens to your proceedings, he marks you and measures you as his victims—"*Etiam in senatum venit; notat, designatque oculis ad cædem unumquemque nostrûm.*" The person whom these expressions originally defined had at least one redeeming quality—witness the last scene of his life, if you read it in the description of the historian. Mindful of his former elevation and dignity, so able, so politic, so eloquent, he ever retained the virtue of courage. Where was the accusation against me made, and under what circumstances? At a meeting of the inhabitants of this city, in the midst of the friends of free institutions, those declaimers for justice—eternal justice—there did he, for the edification of his audience, vent his coarse and scurrilous jests at the murder of a monarch, and at the same time, and almost in the same breath, insulted by the insidious venom of his flattery the successor of that monarch, our present most gracious Sovereign.

Charles Greville mentions that O'Connell was not in the House during Lyndhurst's philippic, but came in soon after. Even his presence however could scarcely

have heightened the effect of Lyndhurst's scathing invective, or the happy application to him of the passage from Cicero's denunciation of Catiline.

From merciless invective Lord Lyndhurst now changed to scarcely less merciless sarcasm in dealing with his next assailant, Lord John Russell. Assailant, he would not call him, but "reported accuser," for on that subject he was incredulous, and he was sure the House would share his incredulity. Lord John had long been a Member of Parliament. As a Whig he must have studied the Constitution of the House of Commons. As its leader, it was his duty to attend to the order and regularity of its proceedings; as a writer on the Constitution he must know the importance of preserving the independence of the two Houses of Parliament. "Is it possible, then," he continued, "to suppose that a person so circumstanced should, availing himself of your Lordships' courtesy, come to the bar of this House, collect words spoken in the heat of debate, and then, going to the other House there repeat them, and attack and denounce the speaker of them? Am I not doing justice to the noble Lord in supposing that he could not so have acted?"

As another ground for his incredulity he argued, from his own House of Commons experience, that any member acting in this way would have been stopped by the Speaker. "I am now speaking of past times." Still the present Speaker, Mr. Abercromby, a friend of his own, a lawyer, and therefore of necessity acquainted with constitutional law and practice, must surely have interfered to check a proceeding of so much irregularity as that attributed to the noble Lord. But he had yet another reason for his incredulity. The noble Lord, as Secretary of State for the Home Department, presided in some sort over the justice of the country.

He must be well acquainted with the first principles of justice, and no principle was more sacred than this—that a man should not be put upon his trial in his absence. I cannot therefore believe that the noble Lord would have made such a charge in a place where it was impossible for me to defend it. . . . I am the more confirmed in this opinion, when I recollect that that noble Lord is the author of a dramatic work, in which the Grand Inquisitor is made to boast of the fair manner in which his Court is conducted in comparison with ordinary Courts. He observes that even an act of accusation is not allowed to issue against a person until he has been heard in his defence. The poetical lines, my Lords, are these :

> "It does not hold its prisoners accused
> Till they themselves are heard."

Having thus brought his assailants before his audience in terms which had kept their minds in a state of delighted excitement, he now turned to the charge itself. What was it? he asked; it was, that he had stated as a reason for not granting municipal institutions to the Irish, that "they were aliens by descent, that they spoke a different language, and had different habits from ours; that they considered us to be invaders of their soil, and were desirous of removing us from the country! *I made no such statement*," he continued, "*nor did I say anything at all resembling it.* No expressions ever fell from me upon which any person, not of a weak intellect, or not disposed to misunderstand and misrepresent what I stated, could have put such a construction."

This was obvious, he contended, from the conduct of the noble Lords opposite. Not a word had fallen from Lord Melbourne in comment on what "are now considered as most extraordinary and unjustifiable expressions." Lord Lansdowne, who took an active part in the debate, remained equally silent. True, fourteen days afterwards he made allusion to what he then

called "never to be forgotten expressions." Here Lord Lansdowne broke in saying, that he had alluded to them only a few days after the discussion. "It was a great many days afterwards," rejoined Lord Lyndhurst, correct as usual, specifying the occasion (7th of June), just seventeen days after the words were said to have been used. He had then pledged himself to satisfy the House that he had never made the statement attributed to him, and he would now direct their Lordships' attention to the statement he had really made, "every word of which he would completely justify."

"It was frequently asked," he said, "during the debates on the Irish Municipal Bill, and on the occasion to which allusion has been particularly made, 'Will you deny to Ireland what you have granted to England?' What was the answer given to that question? It was this—that the Ministers have themselves in their own Bill proceeded on the principle of applying different provisions to Ireland, and have refused, in consequence of the peculiar state of Ireland, to grant the same powers to the Irish municipal corporations as they granted to the English corporations. One of the arguments which I used on the evening alluded to was to this effect—that it was absurd, unless the state of society in the two countries could be shown to be the same, to say that the institutions which are good in the one country must necessarily be good in the other; and I illustrated my meaning by a kind of school-boy reference to the bed of Procrustes.

"Again. The Ministers proposed to abolish the present corporations in Ireland; for what reason? Because they are party institutions, and therefore productive of evil. I observed that there were two parties in Ireland much embittered against each other; and that the establishment of new corporations according to the ministerial plan would be a substitution of party corporations of a new sort, in lieu of those which might be abolished.

"That was my argument, and that led legitimately and properly to a description of the two parties in Ireland. And

what was the description I gave of them? I do not flinch from it; I repeat it. On the one side, I said, there is one-fourth of the population of English descent and habits, Protestants in religion, and adhering warmly to the connection with this country. Is that an accurate description of one of the parties? Who were on the other side? Persons of a different and, with regard to the English party to whom I referred, of an alien descent. The sense in which these words were used is quite obvious. They differ to a great extent in manners, language, habits and religion, and they look on us as invaders. I admit that I said they were anxious for a separation, and desirous to drive us from the country. Is this, or is it not, a correct description of the two parties in Ireland? When I gave that description, I at least acted fairly. I so thought, and so considered. And who, my Lords, were my instructors? Those persons who now denounce and accuse me. They were my instructors. Who is it, that, whenever it suits his purpose, works on the feelings and prejudices, arising out of a difference of descent, that calls the Protestants of Ireland foreigners, Saxons, Sassenachs? Who is it, that over and over again, whenever it suited his particular object, declared that he never would cease to excite one portion of the population against the other

> 'As long as Popish spade and scythe
> Shall dig and cut the Sassenach's tithe'?

"Who is it that has applied, with the same view of exciting a feeling of hostility and antipathy, the term 'Sassenach' to a noble Lord, formerly Secretary for Ireland [Lord Stanley], and received from that noble individual such a castigation as recalled to one's recollection the lines in an ancient fable:

> 'Clamanti cutis est summos derepta per artus,
> Nec quidquam nisi vulnus erat'?

"Who is it, again, that has denominated this Imperial Parliament, both by word of mouth and in writings, a foreign Parliament: has called this House an assembly of foreigners, and applied the same terms to the Protestants of Ireland? Who is it that, in reference to this very Parliament, has made use of the term 'alien'? He, who is now my accuser. This is my defence, if defence be necessary.

"Who is it, but another of my accusers, that, speaking of Ireland, described the Irish and English to be divided against each other, with enmity even stronger than that felt by the Welsh mountaineers for their Saxon invaders? Who told us that this enmity was not the consequence of difference of religion, but was hereditary—that it existed when the two parties were of the same religion? One of my accusers. So much, then, as to the description of the two parties into which Ireland is divided.

"And now as to the use of the term 'invaders.' Who is it that called the English 'invaders of Ireland'?—that dated the misery and degradation of that country from the first day when the English banner was planted on its soil? Who is it that called the 'Union' an atrocious and most abominable measure; that pledged himself over and over again to repeal that Union, though every man knows, and no one better than the individual I refer to, that the repeal of the Union is, in fact, the entire and total separation of the two countries? Who is it that told Ireland that it should not be a petty and paltry province, but a free and independent nation; and that the Saxons should be taught that lesson? My accuser. His cry for repeal is now dropped, his exertions are suspended; but on what terms and conditions? Mark!—'Justice to Ireland!' And what description has that individual, within a very small space of time, given of the meaning he attaches to the words 'Justice to Ireland'? It is this, my Lords—the complete and entire government of the country by Roman Catholics, the extinction of tithe in any shape or form, the introduction of the voluntary system, and the entire demolition of the Protestant establishment in Ireland. These are his terms, the terms on which alone he is content to lay aside his exertions at present for the repeal of the Union and the separation of Ireland. Allow me, my Lords, before I leave this subject, to repeat a stanza out of an Irish ballad, sung in the streets of Kilkenny at the time when a man was being tried for murder, arising out of resistance to tithes.

'The day of ransom, thank Heaven, is dated,
These cursed demons must quit the land:
It's now these foreign and proud invaders
Shall feel the weight of each Irish hand.'

"Have I not, my Lords, made out what I undertook to establish? If I expressed myself too strongly on the subject, are not my accusers the very persons who supplied me with the language they now affect to condemn? I now quit this subject, I hope for ever."

We have given these lengthened extracts, not only as interesting examples of Lyndhurst's oratorical power, but as his own vindication of language to this day often misrepresented, which was unfairly condensed into an epigrammatic phrase, for the purpose of making him obnoxious to the Liberal, and especially the Irish Liberal party. Whatever view may be taken of these extracts, it cannot justly be said, as it has been by a recent writer,[1] that Lord Lyndhurst, "tardily convinced" of the imprudence of his original speech, "had sought to attenuate its force by various explanatory observations." Lord Lyndhurst was not a man at any time to run away from his words or to equivocate with their meaning. Had he been convinced of their imprudence, he would have said so frankly. But the reader can judge for himself whether, so far from the charge thus made being true, it is not the fact, that he established, beyond dispute, that he had said no more, even if he had used the very words attributed to him, than had been said over and over again by Mr. O'Connell and his followers. In any case, he carried the House of Lords with him; and the speech produced so much sympathy throughout England, where the alliance which had been patched up between O'Connell and the Whigs was regarded with no favour, that his adversaries found it impossible to raise an effective storm against the House of Lords, although it rejected the Commons' amendments by the large majority of ninety-seven. It is painful to note,

[1] Mr. Torrens in his 'Life of Lord Melbourne,' vol. ii. p. 186.

that the lapse of nearly fifty years finds Ireland still standing in the same attitude of antagonism to England, still suffering from the same internal dissensions, still possessed by the same delusions which Lyndhurst deplored, and which it has been the study of the successors of O'Connell to maintain.

Lyndhurst had not to encounter Brougham as an antagonist during the session of 1836. The ex-Chancellor, disgusted and mortified at finding himself passed over, and Pepys raised as Lord Cottenham to the Woolsack, which he considered to be his by right, took no part in politics during that year, remaining in seclusion at Brougham Hall during the early part of the session, and only attending the autumn sittings of the Privy Council when he came to town. The Ministry no doubt suffered from his absence; but in the discussions of all measures of legal reform Lyndhurst seems to have taken an unusually active part, so that their merits might be as fully canvassed as if Brougham had been present. The results were not favourable to the Ministerial measures, which would not bear the searching scrutiny to which they were subjected. One by one they had to be dropped, and, party spirit being what it is, it was natural that their failure should be attributed by their promoters to his "factious" opposition. But he showed the injustice of the charge by his conduct in regard to the Bill for authorising the defence by counsel of prisoners in criminal trials. The Bill was originated in the House of Commons by the Whigs; and on coming up to the House of Lords, so little disposition to proceed with it was shown by Ministers or their friends, that after it had been allowed to lie dormant for several weeks, Lyndhurst took it up, moved the second reading, and fought it vigorously through its subsequent

stages. This he did, careless that he was reproached, even by those who favoured the Bill, with having opposed a similar measure when he was Attorney-General. His answer was, not that he then had many of the most experienced judges and lawyers upon his side, but that, having since gone thoroughly into the question with Lord Brougham and others, he was satisfied that the balance of advantage was in favour of the measure, and that to "withhold from prisoners in any case the aid of counsel was a disgraceful remnant of our criminal code."

This was the man. If a measure was in his opinion bad, he would oppose it to the uttermost; if good, he would support it, and give his best aid to make it perfect. Whatever his views might have been before, if fuller experience or reflection had modified them, he was never ashamed to own that he had been wrong, and to "do the right because it was the right, in scorn of consequence." The principle on which his party in the House of Lords and himself acted throughout the session was stated (18th of August) to be this. When any Bill, Government Bill or not, came up from the Commons, "we have examined it with care, with industry and attention. If we have found it vicious in principle, we have proposed its rejection; while, if it has occurred to us, on a careful investigation, that it might be so modified as to answer the purposes for which it was intended, we have carefully directed our efforts and perseverance to the accomplishment of that object."

But that the same freedom in opposing measures which they thought mischievous should be claimed by the Tories, as the Whigs claimed for themselves when out of office, was intolerable. Opposition for opposition's sake was set down as their only motive, and

malice aforethought was ascribed by Lord Holland to Lord Lyndhurst as his reason for what he called his "mutilation" of the Government measures. Lyndhurst had no reason to love his political adversaries; they had not scrupled to attack him whenever they could with every artifice of innuendo, and with unsparing imputations of want of principle. Seeing how ill their measures had fared during the session, not only in the House of Lords, but, through the divisions of their friends, in the Commons, Lord Holland's remark was singularly indiscreet. At once Lyndhurst took up the gauntlet thus rashly thrown down, and on the 18th of August delivered the first of those reviews of the session which did much to shake the Melbourne Administration. "Lord Holland," says Mr. C. Greville, "who endeavoured to answer it, said he thought it one of the best speeches he had ever heard in Parliament." (Vol. iii. p. 363.) In him Lord Lyndhurst had at least no friendly, if not indeed an austere, judge, for Lord Holland's answer was not a success, but an endeavour bordering on failure. He had said the conduct of the Peers was calculated to excite "disgust" in the country; but, when Lyndhurst sat down, Lord Holland might well regret that this, which he himself called an "unlucky expression," had furnished the peg on which to hang such an indictment as formed the staple of Lord Lyndhurst's address.

"Had the charges," he said, "been confined to this House, I should have reposed under them in silence, because all that has passed has passed in your presence; and I should not have feared, under such circumstances, your judgment with respect to my conduct. But it was obvious that these charges were intended to take a wider range, and to embrace a much more extensive sphere; and it is therefore I have felt myself called upon to rise, for the purpose of entering upon a

vindication of my conduct, and to justify to your Lordships and the country the part I have taken in these proceedings."

He then claimed credit for those who sat with him for moderation and forbearance to the Government. They had made no motions for papers or for inquiry, passed no resolutions of distrust or censure, used none of the ordinary weapons of Parliamentary warfare. They had been ready to pass the Government Bills if they were good Bills, and to mend those that wanted mending. Their course, in short, had been purely defensive, and as forbearing as was consistent with their duty to the country.

"My Lords," he continued, "it is impossible to enter upon a consideration, however general, of the subjects to which I am about to direct your attention, without referring to His Majesty's Speech at the commencement of the present session, and without contrasting the brilliant anticipations contained in that Speech with the sad reality that had since occurred, a result as disproportioned in execution to the expectations which were held out, as the lofty position of the noble Viscount at that period with what he will allow me to style his humble condition at the present moment. Gazing on these two pictures, one is tempted to apply to the noble Viscount that which was said of a predecessor of the noble Viscount in the high office of First Minister of the Crown, who, in the careless confidence of his character, I cannot help thinking, bore some resemblance to his noble successor :—

> 'His promises were, as he then was—mighty,
> But his performance, as he is now—nothing.'"

The speaker then proceeded to deal in detail with the measures promised in the King's Speech, which the Government had brought in. First in order had come, after a long delay, a Bill for Chancery reform, produced by the Lord Chancellor, which, said Lyndhurst, he had "too great a respect for his understanding to suppose could be his own production. I said

this measure was produced. Yes, it appeared for a moment, and in a moment it fell from my noble and learned friend's arms, stillborn, on your Lordships' table. . . . Neither Whig nor Tory, Radical nor Conservative, defended it. . . . I pass, therefore, over this measure—*Requiescat in pace*—I will not disturb its ashes."

The Bill for the reconstruction of the Ecclesiastical Courts, a measure of great importance, after being reported on by a Select Committee, had been allowed to slumber. "It would almost seem, from the course pursued with respect to it, as if there had been a disposition to justify the expression of 'the dormitory' supposed to have been applied in so courteous a spirit to your Lordships' House by an officer of the Crown, a learned gentleman of great talent and experience in his profession, in a manner not very consistent with his usual prudence and caution."

The Stannaries Court Bill next came under review. It struck at the independence of the judge of that Court. Lord Holland had been its chief supporter. After dwelling on the law which had since the Act of Settlement secured the independence of British judges, the speaker proceeded—

This Bill—the Bill of a reforming and Whig Government—is, I believe, the first exception to the rule. But, my Lords, by whom were the arguments of my noble and learned friends combated. Who was the great defender of this first infringement of so just a principle? *Proh pudor!* Would your Lordships have believed it, if you had not witnessed the scene? . . . It was, my Lords, the noble baron opposite (Lord Holland); he whom I have always been accustomed to regard as a sort of concentration of Whig liberty and constitutional principle. . . . So much, then, as to this part of the Speech from the Throne. There is, in the first place, so far as the Court of Chancery is concerned, a measure that has proved

a miserable abortion. With respect to the Ecclesiastical Courts Bill, a measure abandoned; and as to this last Bill, a violation of an important principle which for more than a century has been considered sacred.

The Irish Municipal Corporation Bill, the Newspaper Stamps Bill, the Irish Tithes Bill, the Charitable Trusts Bill, were then treated in detail, and the reasons for their failure repeated. "These are a few," said the speaker, "and I state them merely as a sample of those measures which the noble Baron has denounced and upon which he appeals to the country. I join him in such appeal, and look to the issue with anticipated triumph. As a part of the great Council of the nation, as representing its best interests, and as accountable to it for the manner in which we discharge our high duties, we accept his challenge. . . . We may have erred, but our aim at least has been just, and great and noble, and corresponding to the position which I trust we shall long hold in the hearts of the nation."

But Lord Lyndhurst had not yet done with his catalogue of the Government failures. He went on to mention several other Bills which they had brought up to certain stages, and then abandoned in order to prevent a rupture among their own supporters. "And this, my Lords," he continued,

"is a Government! Was there ever, in the history of this country, a body of men who would have condescended so low as to attempt to carry on the government under such circumstances? In this House they are utterly powerless; they can effect nothing. We on this side of the House are obliged to perform the duties of government for them. In the other House of Parliament, measures which they themselves have advised and prepared, and brought forward, involving, as they tell us, the most important interests of the country, they without scruple tamely abandon at the dictation of any section of

their supporters. Yet, thus disgraced and trampled upon, they still condescend to hold the reins of government. Proud men, eminent statesmen, „distinguished and high-minded rulers!"

He then turned to review their policy in Spain, which he contended had rendered us odious to that country and contemptible to the rest of the world, and concluded thus—

In former times, my Lords, amid such defeats, and unable to carry those measures which he considered essential and necessary, a Minister would have thought that he had only one course to pursue. These are antiquated notions—everything has changed. This fastidious delicacy forms no part of the character of the noble Viscount. He has told us, and his acts correspond with his assertions, that, notwithstanding the insubordination which prevails around him, in spite of the mutinous and sullen temper of his crew, he will stick to the vessel while a single plank remains afloat. Let me, however, as a friendly adviser of the noble Viscount, recommend him to get her as speedily as possible into still water. "Fortiter occupa portum."

Let the noble Viscount look to the empty benches around him.

". . . Nonne vides, ut nudum remigio latus, . . . ac sine funibus vix durare carinæ possint imperiosius æquor?"

After all, there is something in the efforts and exertions of the noble Viscount not altogether unamusing. It is impossible, under any circumstances, not to respect

"A brave man struggling in the storms of fate."

May a part, at least, of what follows be averted :—

"And greatly falling with a falling state."

My consolation is, that whatever be the disposition of the noble Viscount, he has not sufficient strength, though his locks, I believe, are yet unshorn, to pull down the pillars of the building, and involve the whole in his ruin. I trust it will long survive his fall.

The speech had served its purpose as a manifesto and a defence, and it therefore concluded with a merely formal motion for a return of the Bills of the session which had been passed, withdrawn or rejected. This furnished an obvious taunt to Lord Melbourne in his reply, that such an indictment of his Ministry ought to have been followed by an address to the King to remove them from his councils. Deeply stung by its truth, no less than by the terrible force with which it had been urged, the opening sentences of Lord Melbourne's speech are charged with a bitterness, if not indeed discourtesy, little in accordance with his usual fine temper and genial disposition.

"I readily admit," he said, "the great powers and eloquence possessed by the noble and learned Lord opposite—his clearness in argument and his dexterity in sarcasm cannot be denied; and if the noble and learned Lord will be satisfied with a compliment confined strictly to his abilities, I am ready to render that homage to him But, my Lords, ability is not everything—propriety of conduct—the *verecundia*—should also be combined with the *ingenium*, to make a great man and a statesman, and not a man *duræ frontis, perditæ audaciæ*. The noble and learned Lord has referred in the course of his speech to many matters in history, quoted Shakespeare, and quoted the particulars of a great number of statesmen of former times, to whom he is pleased to say that I bear some resemblance. I beg in return to refer him to what was once said by the Earl of Bristol of another great statesman of former times (the Earl of Strafford), to whom, I think, the noble and learned Lord might not inaptly be compared. 'The malignity of his practices was hugely aggravated by his vast talents, whereof God had given him the use, but the devil the application.'" [1]

[1] This was said by Lord Digby, in his speech in the House of Lords against Lord Strafford's Bill of Attainder. We give the whole passage. "The name of the Earl of Strafford is a name of hatred in the present age by his practices, and fit to be made a terror to future ages by his punishment. I am still the same in my opinions and affections as to the Earl of Strafford. I believe him to be the

Both Lord Holland and Lord Melbourne complained almost querulously of the bitterness of Lord Lyndhurst's invectives; but it would be impossible to find in any of his speeches a retort so unmannerly as this. The Duke of Wellington, who followed Lord Melbourne, remarked that they "appeared totally to have forgotten the harsh terms which had been used by them towards" Lord Lyndhurst, and how long his noble and learned friend had been accustomed "to hear hard language levelled against himself and those with whom he acted" in the House of Lords. The Duke then dealt with the taunt that his party had not ventured on an Address to the King to obtain Lord Melbourne's and his colleagues' removal, adding some weighty words in expression of a principle which every constitutional Minister ought to bear in mind.

"If," he said, "the noble Viscount would look at the manner in which they were appointed to office, if he would look at the whole history of the last twelve months, I think he would find sufficient reason for our not having adopted that course of proceeding.... I would take the liberty," he added, "to recommend the noble Viscount to consider himself not as the Minister of a democratic body in another place, but as the Minister of a Sovereign in a limited monarchy, in a country great in point of extent, great in its possessions, and in the various interests which it comprises; and that, considering this, he should in future concoct such measures as he has reason to think may pass with the approval and suit the general interests of all, meet the good-will of all, and not of one particular party, in one particular place only. If he will but follow that course for some little time, he will find no difficulty in conducting the business of the government in this House, but will find every

---

most dangerous minister, the most insupportable to free subjects, that can be charactered. I believe his practices in themselves as high, as tyrannical, as any subject ever ventured upon, and the malignity of them highly aggravated by these rare qualities of his, whereof God has given him the use, but the devil the application." (Weldon's Memoirs, London, 1700, p. 57.)

facility afforded him in forwarding his measures." (Hansard, vol. xxxv. 1311.)

It has been reported that Lord Melbourne, on some one expressing surprise at his cordiality towards Lord Brougham, when in the later years of his ministry he had reason indeed to complain of the *dura frons*, the *perdita audacia* of his former Chancellor, replied, "You must have a very mean opinion of politicians, if you think that political quarrels or political necessities are to poison all their relations in private life." The feeling thus expressed is sound and manly. Still one reads with some surprise Lord Campbell's statement that, when the debate was over, "the desperate audacity of the noble and learned Lord [Lyndhurst] was converted into a good-humoured smile, and, going over to Lord Melbourne, they laughed and joked together, both pleased with themselves, thinking that in their rencontre each had tilted to the admiration of the bystanders." Incredulity as to Lord Campbell's knowledge of their thoughts is inevitably extended to the fact he professes to record. Self-respect would keep the kindliest of men from acting as he says these oratorical gladiators acted. But the statement is moreover all the more improbable, seeing that, immediately after the debate ended, a fresh and very hot debate on the Municipal Elections Bill was opened by Lord Lyndhurst, in which Lord Melbourne took part and was defeated, by which another paragraph was added to the Ministerial chapter of accidents.

In the January of this year Lord Lyndhurst lost his mother, at the great age of 91. To the end of her days she retained her memory and intellect unimpaired, and even her personal beauty. The mutual love of parent and son burned steadily to the last—she proud

of his triumphs, and grateful for his unfailing devotion; he turning to her with the tenderness and reverence which she had inspired in him from childhood upwards.

Besides the severe political fatigues of the session, Lord Lyndhurst had taken a large share of the work of appeals in the House of Lords as well as of the business of the Privy Council. He had thus well earned a holiday, and he sought it in Paris, where he was always happy. He went there in September 1836, and remained till the middle of January. Mr. C. Greville, who met him there, mentions that Lyndhurst told him he had never passed such an agreeable time. "Not a moment of *ennui;* he had become acquainted with a host of remarkable people of all sorts, and the *littérateurs*, such as Victor Hugo, Balzac, &c., the latter of whom he says is a very agreeable man. He [Balzac] told me 'Le Père Goriot' is a true story, and that since its publication he had become acquainted with some more circumstances which would have made it still more striking" (vol. iii. p. 378). Lyndhurst also told Mr. Greville, that he should not "go on" in the House of Lords this year (1837) as he had done in the last—that he had been induced by circumstances and some little excitement to take a more prominent part than usual, but that he did not see what he got by it but abuse. "I thought I should not hear any of the abuse that was poured upon me when I came here, and got out of the reach of the English newspapers; but, on the contrary, I find it all concentrated in *Galignani*."

While in Paris he received the following letter from the Duke of Wellington—

Walmer Castle, October 15, 1836.

My dear Lord Lyndhurst,—As I understand that Bradshawe is going to Paris, I avail myself of this opportunity

of sending you a glass such as that in my possession, which you liked. The two together, in the form of a circle, make a glass of the strength that you use in general. Separately, each is of half that strength, and will be found useful in looking at pictures, or some countenances across the House of Lords.

I have nothing new to tell you. It is quite obvious that Parliament will not meet till the usual time in February. I believe that we in the House of Lords must follow the same course as last year: that is to say, confine ourselves to legislation; to originate nothing on our side of the House, but to allow nothing to pass which shall be thought inconsistent with principle, or with the interests of the country.

I should think that Lord Melbourne would be disposed to keep the House of Lords in a state of inaction as long as possible. But if Brougham should appear among us, it is not probable that he will relish or will permit this state of tranquillity. There are some measures which may be brought forward immediately—the Insolvent Debtors' Bill, the Church Regulation Bills, and the Charity Regulation Bill.

You will have seen Brougham's correspondence with the corporation of Edinburgh upon an invitation to dine with them, and you will judge for yourself of the probability of his being present during the next session. I see that it is announced in this day's paper that he is on his way to London from Brougham Hall.

However, whatever may be the course adopted by him, I venture to give you my opinion that you ought to be in England at an early period. You have established yourself not only as the first speaker in the House of Lords, but as the first in your profession,—whether in a court of law or of equity, or in the House of Lords. It is a great satisfaction to your friends and to the public at large, to feel that, as long as you can attend to public business, no great and manifest injury can be done to any man by decisions partial, unjust, or contrary to law. I hope that you will not lose sight of this position, so honourable to your character and so important to the country in the circumstances in which it is placed; that you will keep up your customary relations with the Bar; and that, above all, you will not be absent from Parliament at the commencement of the sessions. If there should be no other

business there will be that of appeals. Indeed, there is one upon which your presence will be necessary when the judgment will be given.

I have taken the liberty of adverting to these points, as it appeared when you were here that you were thinking of remaining abroad. Lady Burghersh and Georgina de Ros are still here.

Lady Salisbury went away a fortnight ago. We have had here for the last week Lord St. Vincent and Miss Jervis. Believe me, ever yours most sincerely,

(Signed) WELLINGTON.

This letter furnishes the best of all answers to the charge against the Duke and his friend of having been actuated by factious motives in their line of policy during the previous session, confirming as it does what Lord Lyndhurst in his review of the session had defined that policy to be. It is moreover specially interesting as showing what the Duke conceived to be the unique position, both as judge and as statesman, which Lord Lyndhurst had made for himself in general estimation.

Amid the manifold distractions of Paris Lord Lyndhurst took care to keep well posted up in all that was going on in England. His friend Mr. Francis Barlow fed him with such of the political news of the day as the newspapers did not supply. In answer to one of Mr. Barlow's bulletins he wrote the following letter, without date as usual, but, as the reference to the Duke of Wellington's letter shows, later in the year 1836.

My dear Barlow,—Many thanks for your *nouvelles à la main.* They put me *au fait* as to the state of things admirably. Pray continue them. Any fragments will be acceptable. As I have no country house, and as I hate a watering-place, and cannot bear the winter smoke of London, I don't see why I am not as well at Paris as elsewhere. I am as near to London as Wharncliffe and as many

other of our Conservative leaders, and will come, if seriously wanted, at a moment's warning. What can I say more? But I find I am proscribed by the Irish Association, and this is adopted with great glee by the *Chronicle.* N'importe! If the cause triumphs, I am totally indifferent about myself. But things at this distance appear to be getting serious. It is impossible that a Government can go on for any time *independently* with such a rival Parliament as this Association. It must either adopt and try to use it, or be destroyed by it. I suppose, notwithstanding what Ebrington has said, there will be a dissolution. I wish you would sift this well. I have no objection to bring in the Bill you mention, or do any other *useful* act in my power. You may proceed upon this, getting together all the necessary information. The Duke thinks (private) that we should do as the last session—confine ourselves to legislation. *Here* they hope we shall attack Palmerston—*all* parties. Ever yours,

(Signed) LYNDHURST.

A letter from Lord Brougham from Worthing, (20th December) gave warning note that, having recovered from the illness which had for many months confined him to Westmoreland, he might be expected, as the Duke of Wellington had predicted, to throw the House of Lords into a state of ferment in the coming session.

My dear L.,—I am extremely obliged to you for your friendly inquiries and congratulations. In fact, I am as well as ever I was in my life, if not better. But I don't quite relish the prospect of being shut up in the mornings hearing appeals, which I suppose will be our fate when Parliament meets, to say nothing of the trouble I shall have with you Conservative gentry in the evenings.

The Prisoners Counsel Bill is differently talked of by different persons. Denman considers that it has not lengthened the sessions above two days, which would only be twenty-four in the year. However, were it more, that is no reason against the measure, for, if necessary for justice, the country is bound to find time, that is, judges, and if not

necessary, it is wrong on that score. But there is a general belief and, I think from all I can learn, a well-grounded one, that it has led to acquittals in no small number against the truth of the case. This is the fault, however, not of the Bill, but of there being no counsel for the prosecution. The judge cannot (if he chose) do the business of the prosecutor, and he ought not to choose to place himself in so odious a position. Though the Bill had never passed, I should have said a prosecution without counsel ought not to be, but the Bill makes it quite clear something must be done to remedy this glaring defect.

In my opinion they should have began with the Central Court, and might have done so without a general measure in the first instance. I need hardly add, after what I have said that there has been no instance of wrong conviction owing to the Bill. It has been all the other way, which is the lesser evil by much.

I envy you Paris, and did so still more than I now do, while we were sitting at the Privy Council on Indian and Consistorial cases, some of which lasted three days. We had three weeks of it, often from ten to near six, and scarcely one less than seven hours. Nothing can be more satisfactory than the hearing by four, and giving in rotation written judgments on all the points, whether we affirm or reverse; but it is hardish work, especially compared with the former course of the court, which I have known to be *terminer*, rather than *oyer*, especially of late times. . . .

Yours ever sincerely,

H. B.

Next session found Brougham at his post, vexing the soul of his old Whig friends, but ready as ever to break a lance with Lord Lyndhurst in honourable encounter when their views happened to clash, as they very often did.

CHAPTER XV.

Irish Municipal Corporations Bill—Opposed by Lord Lyndhurst—Attack by Mr. Sheil—Lord Lyndhurst's answer—Death of William IV.—Accession of Queen Victoria—Lord Lyndhurst and Mr. Disraeli—Marries Miss Goldsmith—Speech on Juvenile Offenders Bill—Visit of his sister to England—Second Review of the Session—Fall of Melbourne Ministry—Lyndhurst again becomes Chancellor.

THROUGHOUT the session of 1837, Lord Lyndhurst's work was chiefly judicial. There was little in the Bills brought up from the Commons to engage his attention. The Cabinet, as usual, was not lucky with its measures. Whether through mismanagement, or the growing difficulty of expediting business in the House of Commons, retarded as it was by the useless talk which even then threatened to bring that assembly into discredit, most of them were either dropped, or sent up so late to the House of Lords that their Lordships refused to let them proceed. Several Bills, however, for the reform of the criminal law were brought up, the main objects of which were warmly approved by Lord Lyndhurst. But as sent up from the Commons, they were full of flaws both of omission and inconsistency, which he exposed in the debate on the second reading with convincing clearness. In Committee he spared no pains to remedy these defects, which, but for his close scrutiny and legal knowledge, might have escaped notice, and to bring the Bills into a shape in which they could be passed with credit. It could scarcely have been pleasant, however, to the Attorney-General to have the crudity of his

proposed legislation pointed out—an office which it was Lord Lyndhurst's frequent duty at other times to perform—and as that official was Sir John Campbell, hence probably the peculiar bitterness with which he speaks of Lord Lyndhurst's action at this period.

Lord Brougham, who by this time knew that he had been thrown over by his Whig friends, now became, according to Lord Campbell, Lord Lyndhurst's tool, urged on by him to do what would be annoying to the Government, while he himself remained silent, befooling Brougham with the idea that he exercised a paramount influence over Lyndhurst's own mind, and that Lyndhurst was prepared to play a secondary part to him in the House of Lords! The statement is made without a shadow of warrant. That Lyndhurst acquired great ascendency over Brougham's mind is certain; but it was the ascendency which one man of genius insensibly acquires over another by sheer force of intellect and of character. No effort on Lyndhurst's part was needed to establish or maintain it, and none was exerted. On the other hand, Lyndhurst liked Brougham as a friend, he admired his versatility, his enormous energy, the rhetorical fire of his speeches, and would not silently hear him disparaged; but he was too fully alive to his want of prudence, of dignity and self-control, to place himself in any matter under his guidance. Brougham on his part had formed too high an estimate of Lyndhurst's powers to dream of becoming his leader, and Lyndhurst was incapable of the meanness attributed to him by Campbell, of fostering such a delusion. On several occasions this session they were found in conflict, and their only agreement was in reference to certain legal reforms.

Brougham, no doubt, became a thorn in the side

of the men who he conceived had treated him unfairly, but he needed no instigation beyond his own sense of wrong; neither was Lyndhurst the man to court such an auxiliary in the task of showing up the inefficiency of the Government,—a task to which he knew himself to be fully equal single handed. But Lord Campbell, eager to disparage both men whenever he can, gratuitously accuses them of entering into an alliance, which existed only in his own imagination.

When Lord Lyndhurst wished to strike a blow at the Ministry he trusted not to others, but to himself. He showed this notably in a speech (23rd of June) on the state of public business, where he renewed his charge of last session against the Ministry, for delaying most of their measures till a period of the session when it was impossible to get them passed, and for dropping others that ought to have been pressed. Instead of joining in this censure, however, Lord Brougham took up wholly different ground, blaming the House of Commons as the cause of all obstruction —a House without organisation, without clear aims, and compounded on the Liberal side of discordant elements, which made decisive action on the part of the Ministry impossible.

Still more notably was it shown in Lord Lyndhurst's speech on the Irish Municipal Corporations Bill (9th of June), when it came up from the Commons in substantially the same form as the Bill of the previous year. His defeat of that measure had naturally roused a feeling of the bitterest rancour in the breasts of O'Connell and his party. They exhausted all the epithets in their copious vocabulary of abuse, whenever his name was introduced, and his allusion to the alien element in the Irish population furnished a theme on which they were never weary of descanting.

When the Bill of this session was under discussion in the House of Commons (23rd of February) Lord Lyndhurst, although well aware that he would be savagely attacked by Mr. Lalor Sheil, took a place below the bar to listen to his assailant. His presence lent additional fire to the speaker's rhetorical fervour, and Mr. Sheil made what has always been considered the greatest of his speeches. The incident is thus very graphically described by one who was present.

"Lord Lyndhurst was pretty sure he would be honoured with full notice by the speaker; but it was not his habit to shrink from any attack or to be disconcerted by any abuse. In a short time it was evident that he was to be singled out for attack. Mr. Sheil worked himself up to his full fury, gesticulating, foaming, screeching in his loudest and shrillest tones; he denounced the man, pointing full at him, seated below the bar, as he did so, who had dared to describe the Irish as aliens in blood, in language, and in religion. The scene that followed was most extraordinary. A universal howl of execration rose from the Ministerial benches as all eyes turned in the direction of Sheil's finger. The more excitable members started to their feet, and for an instant it seemed as if they would precipitate themselves upon the object of their fury. He, in the meantime, sat through the storm unmoved; with steady eye and unaltered mien he gazed on the howling crowd in front of him. And the tumult was only momentary. In a short time the remembrance of who they were, and where they were, did its work; and, though the remainder of Mr. Sheil's speech was continued in the same tone, and the cheers of his partizans were vehement as well as incessant, there was no further outburst of feeling or any occasion to call for the interposition of the Speaker." (*Morning Herald*, 13th of October, 1863.)

Lord Lyndhurst's answer to this philippic was a speech against the Bill, when it came up to the House of Lords, in which he showed he had not forgotten

the way in which the Ministerial benches had cheered their Irish ally.

"What, my Lords," he said, "is the situation in which His Majesty's Ministers stand? In no former period of our history has the Government of this country been placed in such a position. To whom do they look for support? To the enemies of the Protestant Establishment. In Ireland their supporters are composed of the declared enemies of the Protestant Establishment. In England the political dissenters are their mainstay and support. Deprive them of the aid of the one or of the other, and what becomes of the Government? . . . My Lords, where is this to stop? Concession, we know, leads to still further concession, according to the natural course of events. Give these men a part of the spoils of the Church—yield to them what they ask for now, and you encourage them to make further demands. When will the noble Viscount pause in his downward career? This is no speculation. These reasonings are generally speculative; but, unfortunately, this is matter of fact. What are we told by those persons? They say they will receive all you offer, but that they will take it only as an instalment, and that they will never cease agitating—that they will never cease convulsing the Empire, until they strip the National Church of its property. . . . What are the supporters of the Government asking for now? The prostration of the Church of Ireland. This Bill conceded to them, they gain that object. What is their next demand? They tell you that you must repeal the Union."[1] (Hansard, vol. xxxviii. 1315.)

In a condensed form, Lord Lyndhurst repeated his argument against the Bill of the previous session, and with the same result. The House by a majority of eighty-six refused to allow it to go into Committee.

[1] Any one who is curious to see the licence Lord Campbell took in garbling ostensible quotations from Hansard, may find this well illustrated by comparing the whole of this passage in Hansard with the professed quotation given on p. 118 of his 'Life of Lyndhurst.' One addition he makes is of incredible audacity. He makes Lyndhurst say: "It seems, my Lords, that we Protestant Englishmen are to be governed by those who are aliens in blood, and language, and religion." Neither these words, nor anything like them, are to be found in Hansard.

The Bill was again defeated in the two following sessions, and only passed in 1840, after it had undergone material modifications in the direction indicated by Lord Lyndhurst.

The session came to a close earlier than usual, in consequence of the death of King William the Fourth, on the 20th of June. Lord Lyndhurst was among the members of the Privy Council summoned to attend the young Queen Victoria's first Council the same day.

"I accompanied him," Mr. Disraeli wrote in the general preface to his works (1870), "to Kensington Palace, when on the accession of the Queen, the Peers and Privy Councillors, and chief personages of the realm, pledged their fealty to their new Sovereign. He was greatly affected by the unusual scene: a youthful maiden, receiving the homage of her subjects, most of them illustrious, in a palace, in a garden, and all with a sweet and natural dignity. He gave me, as we drove home, an animated picture of what had occurred in the Presence Chamber, marked by all that penetrating observation and happy terseness of description which distinguished him. Eight years afterwards, with my memory still under the influence of his effective narrative, I reproduced the scene in 'Sibyl,' and I feel sure it may be referred to for its historical accuracy."[1]

Lord Lyndhurst had been among the first to discern the promise of a brilliant future in the young Disraeli, whose originality, independence and courage had a special charm for him. It was to him that Mr. Disraeli's first political essay, 'A Vindication of the English Constitution,' published in 1835, was addressed. The young novelist was always a welcome visitor at his house, and when the celebrated 'Runnymede Letters' appeared in the *Times*, in 1836, it was commonly said that they were the joint production of

[1] The description referred to occurs in the 6th chapter of the first book.

the ex-Chancellor and the author of 'Vivian Grey.' In this common report was true to its proverbial character. Neither of the men was of the kind to court assistance in such handicraft. Lord Lyndhurst did his best to help Mr. Disraeli to get into Parliament, which after several disappointments was accomplished in 1837. In that year 'Venetia' was dedicated to him by his young friend as a "record of his regard and affection," with the hope that a time might come when in its pages he might find "some relaxation from the cares, and some distraction from the sorrows of existence,"—words which seem to have reference to a recent grief for the death of Lord Lyndhurst's second daughter Susan, who had died of consumption, after a short illness, some months before.

The regard and affection of the younger for the veteran statesman, of whom he speaks as one of the two "best friends he ever had," grew as the years went on, and after Lord Lyndhurst's death they found eloquent expression in the preface already quoted. "The world," he said, "has recognised the political courage, the versatile ability, and the masculine eloquence of Lord Lyndhurst; but his intimates only were acquainted with the tenderness of his disposition, the sweetness of his temper, and the playfulness of his bright and airy spirit." Lord Lyndhurst read with avidity all that Mr. Disraeli wrote, and we find him writing from Paris in January 1838 to his friend Mr. Barlow, to beg that 'Henrietta Temple,' which had just appeared, might be sent to him.

At the close of the session he had gone for his usual holiday to Paris. Here he was introduced to Georgiana, daughter of Louis Goldsmith, Esq., to whom, after a short interval, he was married on the

5th of August. Of this union, it is only necessary to say, that it was one of unbroken happiness.[1]

Lord Lyndhurst was back in his place in the autumn session, which was held after the general election consequent on the accession of the Sovereign, and did eminent service in moulding into shape a Bill for the abolishment of imprisonment for debt, which he showed had been sent up from the Commons, "so full of imperfections and defects that he would not wear out their Lordships' patience in attempting to go through them." Lord Brougham, an eager advocate for a change in the existing law, paid a tribute to the "candour and fairness" with which Lord Lyndhurst's objections to the details of the Bill had been urged, and concurred in the majority of them. Between them the measure was ultimately worked into satisfactory form. The Bill was one of Sir John Campbell's.[2]

During the session of 1838 Lord Lyndhurst spoke but little. His chief efforts were directed to legal reform in the interests of children and women, to both of whom he was always tender. In supporting the Juvenile Offenders Bill, he took occasion to call attention to the cruel treatment of young children in reformatories which had lately come out before a Government Committee. He instanced the case of a girl of ten shut up for three successive years in a cell, as he said, "No larger than that table." As to the exercise allowed her, such as it was, he said—

[1] One child was born of this marriage, the Honourable Georgiana Susan, now wife of Sir Charles Du Cane. Of the first marriage two daughters only survived: the Honourable Sarah Elizabeth, married to Henry John Selwin, Esq., and who died in 1865; and the Honourable Sophia Clarence, still living, married to Hamilton Beckett, Esq. An only son by the first marriage died in childhood.

[2] Was this the reason why he makes a reference to this Bill ('Lyndhurst's Life,' p. 118) a vehicle for introducing anew the wretched falsehood about the executions in Lyndhurst's house, and talking of his dread of personal inconvenience from some of its provisions? Lord Lyndhurst's speech on the Bill is conclusive against the accuracy of Campbell's whole statement.

Merely putting one leg before the other was not sufficient for a child. The exercise ought to be of every kind and variety; every part of the body ought to be brought into activity; and at the same time the mind should be employed to render the exercise beneficial.

Then as to the confinement—

In order that the child might derive no instruction from without, the window-cills were so high as to prevent her from looking out; and there was that child kept for twenty-one hours out of the twenty-four,—not kept there for punishment, but for the reformation of her morals and the improvement of her mind.

He then diverged into an illustration of a kind in which he rarely indulged, but which given with the rich sonorous tender cadence of voice, which he had eminently at command, must have produced a deep impression.

There was a beautiful passage of a French author, Bernardin de St. Pierre, in which he spoke of the impression produced by external objects on the mind of a child, and of the manner in which the young mind gradually expanded under the influence of those impressions; but here they acted on the principle of shutting out all external sources of improvement from the mind of the child, and of barbarising and stupefying its mind. He hoped therefore they should be told, that a system of this kind was not to be established under this Bill. The beautiful lines of their great epic poet afforded almost a literal description of the situation of that child placed under the cruelties of that system.

"Thus with the year
Seasons return; but not to me returns
Day, or the sweet approach of eve or morn,
Or sight of vernal bloom, or summer's rose,
Or flocks, or herds, or human face divine;
But cloud instead, and ever-during dark
Surrounds me, from the cheerful ways of men
Cut off, and for the book of knowledge fair
Presented with a universal blank
Of Nature's works, to me expunged and rased."

The same evening (30th July) he brought in a Bill to regulate the Custody of Infants, in a speech in which he urged with great effect the hardship of the existing law, which excluded a wife separated from her husband, no matter how infamous that husband's conduct might be, from access to the children of their marriage except by permission of the husband. The Bill had been keenly contested in the Lower House, but it had been carried there by large majorities. It did no more than place it in the power of the court, on a review of all the circumstances, to say whether or not the mother should not have reasonable access to her children. Strangely enough, the Bill was strenuously opposed by Lord Brougham. There were only twenty-one peers in the House when the division was taken, and of these eleven voted against it. Thus this excellent Bill was lost for the session, but it became law the following year.

The late summer and autumn were spent by Lord Lyndhurst and his family at Baden-Baden. In their absence his favourite sister, Mrs. Greene, arrived in England from America, on her way to Italy with an invalid daughter. A letter announcing her intention had miscarried, and on her arrival in November at the old house in George Street, there was no one but the housekeeper to receive her. She hurried on to Paris, warned against delay by the severity of the weather. Her disappointment was not greater than her brother's, who wrote immediately on hearing of her arrival in Europe.

Baden-Baden, November 17, 1838.

My dearest Sister,—I hope this may reach you before you leave Paris. I have enclosed it to Mr. Goldsmith, my wife's father, who will find you out, if you should still be in Paris, upon its arrival.

I can't describe to you how much we have lamented our

absence from England at the time of your visit. To have received you after so long a separation upon the spot where we passed together so many of our early years, would have been to Mary [his sister, Miss Copley] and myself the highest possible gratification. Nothing could have been more unfortunate than our absence. We heard only last night, by a letter from Mr. Winslow, of your arrival in Europe, and anxious as we were to see you, we deeply lament the cause of your journey. It was our intention to have passed the winter in Italy, but the distance has prevented, as I must be back soon after Christmas. If you should go by the Tyrol, Baden will not be out of the way; but I fear you will prefer hastening to the South. In that case we must delay till your return the happiness we shall enjoy in meeting you. I have learnt much of Italy, and there is no place that will answer your object satisfactorily north of Naples.

Mrs. Greene did not take the route of the Tyrol, and had to postpone till the following spring the pleasure which both had so fondly anticipated. The Lyndhurst family lingered on at Baden-Baden, from which Lord Lyndhurst wrote (21st of November) to his friend Mr. Barlow.

My dear Barlow,—Your letter was as food to the hungry, as the refreshing fountain to the thirsty traveller. Pray write again.... It is true I read the *Times* and *Galignani*, but the little gossip is what I sigh for; be it true or false, it equally interests in this retirement. We are pleasantly and comfortably housed; and the *cuisine* is on a good footing,—and we are five in the salon, not counting baby,[1] so we get on pretty well and enjoy ourselves *selon nous* in the stagnant season.

It is odd, but the Durham Proclamation[2] reached *us* several days before you had it in London. It came to Havre and was published in *Galignani* long before you received it in London. The Durham mustard will be hot indeed! ...

[1] The daughter, now Lady Du Cane, born this summer.

[2] The proclamation issued by Lord Durham, on his throwing up his appointment as Governor-General of Canada, in which he showed his mortification at the treatment he had received from the Melbourne Ministry.

The early part of 1839 was spent by Lord Lyndhurst and his family in Paris. He would if possible have remained to meet Mrs. Greene, but he wrote to her (5th of May) that he had to return for the sittings of the House of Lords. "You will," he said, "find London very pleasant about the season of your arrival, and I can't tell you how happy we shall all be to see you, and the dear friends who are with you."

The brother and sister, parted since 1800, met in London soon afterwards. Mrs. Greene had many points of character like his own. She was thoroughly well read, loved art, and understood it; her heart was warm, and, like her brother, she was full of that considerateness for others which is the basis of true courtesy, and her intellect was clear and comprehensive. The lapse of forty years had wrought marked changes in the persons of both, but the old affection was there with all the tender memories of the happy home where they had grown up side by side. It was not on his conflicts or his triumphs, writes his niece Mrs. Amory,[1] that he dwelt, neither did she descant upon her distant home and adopted land; "but they went back to the days of their childhood and youth, to the memories of the father and mother, and the thousand little home reminiscences, that never fade entirely away"—from such minds as theirs. Mrs. Greene returned to America the same year, but the brother and sister were again to meet after an interval of years.

Meanwhile the Melbourne Government, which had by its own weakness lost all the advantage it had gained at the general election in 1837, had come to a standstill in consequence of a division in the House of Commons on their Jamaica Bill (7th of May), which

[1] 'Life of J. S. Copley,' p. 378.

left them with a majority of only five. They resolved to resign. The Duke of Wellington was thereupon sent for by the Queen, and recommended that the task of forming a Ministry should be entrusted to Sir Robert Peel. Peel undertook it, and had formed his Ministry, among whom Lord Lyndhurst was again to take the place of Lord Chancellor, when the unfortunate misunderstanding with the Queen as to the appointment of certain Ladies of the Bedchamber led him to decline to proceed further with his arrangements.

Upon this Lord Melbourne resumed his position as Premier, with the disadvantage that his Cabinet was the same which a few days before had admitted that they no longer possessed the confidence of the country. With this they were taunted in the most stinging terms by their alienated friend Lord Brougham, and incurred widespread ridicule as returning to office behind the petticoats of the Ladies of the Bedchamber. The leading Tories were not chagrined. They knew well that it was better for their interest not to return to office with a majority against them, which would unquestionably be used to cripple their action; while on the other hand, the incapacity of the Melbourne Government, as the event proved, was such, that their hold upon the country would in all likelihood speedily be so greatly weakened, as to make the accession of the Opposition to power generally well received.

No one of his party was more ready to bide his time patiently than Lord Lyndhurst, come when it might. He took little part in the general debates, but on the 23rd of August he delivered a review of the work, or rather no work, of the session, more comprehensive, more incisive, more crushing in its invective, than even his famous review of 1836. In

replying, Lord Melbourne, as on the previous occasion, lost his temper, became offensively personal, and committed the grievous error of trying to make light of the heavy and closely argued indictment against his Government as a mere piece of factious and tiresome rhetoric. He could not but feel bitterly how such an assault must tell against himself and his Cabinet; but how could he hope to better his position in that assembly by addressing language of studied insult to a man whom it regarded as one of its brightest ornaments, or by affecting contempt for a speech which for nearly three hours had held it as under a spell, and beneath the influence of which its pulses were still vibrating?

There was one generous political adversary who at once shook himself free from all participation in such treatment of the speaker. When Lord Melbourne sat down, Lord Brougham rose. To him it was intolerable to have such a masterpiece of argument and eloquence talked of in such terms. He spoke of the "singularly lucid, the pellucid yet sparkling clearness which distinguished the whole statement of his noble and learned friend opposite," and then continued—

> On one point I totally differ from my noble friend (Lord Melbourne). It was not at all correct to say that this was an annual exercitation of my noble and learned friend, by which he wound up every session; it is the second time, according to my recollection, that my noble and learned friend has brought forward this, in my opinion, most useful, most wholesome and most necessary summary of the session;—useful, wholesome, and necessary as often as the session had proved a failure,—useful, wholesome and necessary as often as the Government had shown their indolence or incapacity, or both combined. I do not believe that my noble friend's attention flagged for one instant during the eloquent statement of my noble and learned friend opposite. It was only

when he proceeded to answer it that my noble friend's power was unequal to the task.

Lord Melbourne had said that Lord Lyndhurst's attack might possibly show that the Ministry was unfit for the difficult situation they were placed in; "but as to gaining for himself anything of character, or conciliating any confidence towards himself and those who would have to administer the affairs of the Government, if it had the misfortune to be placed in their hands, he [Lord Lyndhurst] might depend upon it, that if his powers were ten thousand times what they were, he would be utterly unable to effect any such Herculean, indeed, impossible labour."

Here was an opportunity for retort, of which Lord Brougham could not fail to take advantage. What, he said, had Lyndhurst and his friends done since the 7th of May to forfeit confidence, or to lose the respect either of Parliament or the nation? Had they not then received a certificate of character from Lord Melbourne himself, when he recommended the Queen to employ them? Why recommend the Queen to send for them, if he knew that no confidence, esteem, or respect were felt for them by Parliament or the public? "Why," he continued, "they had the confidence of all but an extremely narrow majority in the House of Commons; and this narrow majority was all that the noble Viscount's party had to rely on." If Lord Melbourne had been wounded by the trenchant blade of Lord Lyndhurst, the sarcasms which Lord Brougham went on to pile one upon another must have rubbed vitriol into his wounds. But while Brougham did not spare his old friends in this speech, he said enough to show that he had no sympathy with the political opinions of the

Opposition, and was as ready as ever to resist them when occasion offered.

At the end of the session Lord Lyndhurst went with his family to the Continent, and lingered on with them at Baden till late in December, when they were overtaken by the snow. His presence in London, at the beginning of the year to take counsel with his political friends, and to sit upon judicial business, was indispensable, and on the 28th of December we find him writing to Mr. Barlow—

> It is now snowing charmingly. It will be a devil of a journey for me. I must leave women and children behind! If I start on the 15th, I shall reach Paris the 20th, stay there two days, and be in London the 25th. That is my calculation. I predict that neither Peel nor the Duke will be there so soon. I am delighted that Wetherell has followed my example [in getting married]. I hope the precedent will apply throughout, and that in due time fruit will appear. Tell him, these things are the consequence of being out of office. Idleness, you know, &c. Is it true that he has got £60,000 with his bride? I did not set him that example.

It was no part of the policy of the leaders of the Opposition unduly to press the Melbourne Administration during the session of 1840. The troubles at home were great, owing to the disaffected state of Ireland, and a growing spirit of discontent among the labouring classes elsewhere. Abroad we were on the eve of being embroiled with France about the Eastern Question; and, true to the good old practice, the Opposition upheld the foreign policy of the Government, so much so, that Lord Melbourne told the Queen that the Duke of Wellington was their best friend.[1] Lord Lyndhurst lent his aid to the settlement of the great question of Parliamentary Privilege raised

[1] 'Life of the Prince Consort,' vol. i. p. 100, note.

by the case of *Stockdale* v. *Hansard*, and, having succeeded in bringing the Irish Municipal Corporations Bill to a less objectionable shape, he withdrew from further opposition to it. But he was disabled by a severe attack of illness in the early part of the session—his only serious illness during his long life—from taking his usual active part in the business of the House of Lords.

In the autumn he went with Lady Lyndhurst to Marienbad to drink the waters. From that in those days comparatively inaccessible region, he sends this amusing cry of a soul thirsting for news from a body sorely tried by meagre fare and drastic waters.

Marienbad, Bohemia, September 7, 1840.

My dear Barlow,—This letter may perhaps reach you. If so, it may induce you to regard with some little compassion two exiles who would give worlds to know what is going on in your region. Here we are surrounded by stupid, dirty-looking, spitting, smoking Germans, without a single Englishman, or even a Frenchman to speak to. We know nothing of how the world moves in more cultivated districts, and we implore your compassion to give us a peep into something that is civilised. Our new habits (not clothes) will surprise you. We rise before six—drink several quarts of water—walk two hours, and then come home to breakfast. Afterwards we walk again and again—bathe, dine at three—walk, walk, walk and go to bed at nine.

This horse-in-a-mill life is something quite laborious. Whether I shall be able to stand it for five weeks is a little doubtful. We have got through only one as yet. I said we *dined* at three—dined indeed! There is nothing that we can eat, and we are in a fair way of being starved. What shall we be reduced to? Gallons of water full of Glauber salts, and nothing in the shape of a cuisine to soften the effects. We shall be like thread-papers before we return, if indeed we shall retain sufficient physical strength to get away. A little bit of politics, a little law, a little gossip, would be like water in the desert. Pray, have pity upon us. The weather is

getting gloomy, but the spot we are in is rather pretty. Write, write, write! Yours ever.

He was still at Marienbad when the tidings reached him, through the public papers, that his friends had started him as candidate for the vacant office of High Steward of the University of Cambridge (see *ante*, p. 238). At once he wrote to Mr. Barlow (22nd of October)—

Pray act for me in this business, for I know I can entirely rely on your judgment and discretion. I *will not run any risk*. It would be very mortifying to me to be defeated. It would also be, in some degree, a blow to the Conservative cause—at least, it would be so interpreted by the Radicals. Pray, consider this well, and don't let me be committed. It is fighting at great odds, as the loss to me (in the event of loss) would far exceed any advantage from the appointment. . . . But you are on the spot, and can judge better than I can here.

He had soon the satisfaction to learn that he ran no risk. Men of all shades of opinion combined to support him, his friends the Duke of Wellington and Sir Robert Peel among the first.[1] It was an honour which he prized as one of the chief distinctions of his career, and which was made more valuable by the immense majority (973 to 488) in his favour.

On Lord Lyndhurst's return to England, being weary of having to seek rest and recreation abroad, he took a fourteen years' lease of a property called Turville Park, in Buckinghamshire, about six miles from Henley-on-Thames. The house was a good

[1] One half of the fund subscribed to support his candidature was returned to the subscribers, the surplus of the other half was applied in procuring and presenting a bust of Lord Lyndhurst, by Behnes, to Lady Lyndhurst. It remained in her possession till July 1876, when it was presented by her to Trinity College, Cambridge, where it now stands in the Library opposite to the bust of his contemporary and friend, Baron Bolland. The bust in Lincoln's Inn Hall is a copy by Morton Edwards, one of Behnes' pupils, which was obtained and presented to the Benchers by a few of Lord Lyndhurst's friends.

one, but not in very good order. Its attraction for the new tenant lay in its being well situated, in a quiet neighbourhood, with about sixty acres of land attached, —a "*modus agri non ita magnus*,"—which enabled him to gratify his strong love of the country and its pursuits. Before the end of the year we learn, from one of his sister's letters, that he had upon it 100 sheep, four cows, and above eighty head of poultry, "so that you will perceive," she says, "we are great farmers." Here during fourteen years Lord Lyndhurst spent his leisure hours. It was his delight to look after the improvement of his little farm,—the *sibi se reddentis agelli*—and the cultivation of his garden, and to refresh his mind with the best books on literature and science, old as well as new, from which he had been so long debarred by the exacting labours of his professional and public duties.

But not yet was he to find much leisure for such occupations. The fall of the Melbourne Ministry, long anticipated, came at last, when, in a new Parliament, by which they had hoped to strengthen their position, a vote of no confidence was carried (19th August) by a majority of 91 in a house of 629 members.

One of the many causes that conduced to the unpopularity of the Melbourne Administration was the appointment just before the general election of their Attorney-General, Sir John Campbell, as Lord Chancellor of Ireland. He had seen that the days of the Ministry were numbered, and pressed with an importunity that greatly disconcerted his political friends his claims to a peerage and some high judicial appointment, as the reward for long and disinterested services. The mode resorted to of satisfying his demands created general indignation, when it became known that, in order to make way for him, Lord Plunkett, himself an

Irishman beloved and honoured by the Irish Bar, and in the full vigour of his powers, had been in effect driven from office, much against his will, to make way for an Englishman confessedly in all respects his inferior.[1] This practical specimen of that abhorrence of jobs, which was a prominent article of the Whig creed, had its effect on the elections of 1841. A less generous man than Lord Lyndhurst might have discoursed upon the text it presented in a way to make his future biographer feel even more strongly "like a convict led out to execution" than he admits himself to have felt, when he came over from Ireland to take his seat in the House of Lords. But the shame of being involved in such a transaction was in Lord Lyndhurst's eyes sufficient punishment for the offender.

When Sir Robert Peel was called upon to form a Ministry, there was of course not a moment's question as to who should be his Chancellor. The personal friend, with whom, as he had written only a few months before (see *ante*, p. 238), "in office and out of office he had always been on the most confidential intercourse on public matters," was not likely to be overlooked. But knowing by experience of what value Lyndhurst was in a Cabinet, he looked to him as one of the mainstays of his government, as one on whom, again to use his own words (*ante*, p. 239), he "could confidently rely when real difficulties were to be encountered."

And yet Lord Campbell has written, and his phrases have been again and again repeated by writers who take him as their guide, that "Lord Lyndhurst had little weight in the Cabinet; Peel placed no confidence in him, and would have been well pleased to have got rid of him altogether."

[1] Torrens's 'Life of Lord Melbourne,' vol. ii. pp. 360–362.

Of a piece with this, in point of accuracy, is his statement, that when Lord Lyndhurst, on the 6th of September, 1841, entered the House of Lords, preceded by his mace-bearer and his purse-bearer, once more to take his place upon the woolsack, "he was excessively nervous, and, looking bewildered, did not seem at all to recollect the forms with which he had so long been familiar."[1] The idea of Lyndhurst, with his immense power of self-command, and his unerring memory, presenting such an appearance is preposterous. But there are people alive who were present, and remember that at no time did he show himself more self-possessed, more worthy by his bearing and language to represent the great office on which he now entered for the third time.

[1] "Lord Melbourne," Campbell writes, "in a loud whisper,"—these wonderful episodes of Campbell's are always given in a "stage whisper" or a "loud whisper,"—"said to me, 'Who would think that this is the same impudent dog who bullied us so unconscionably in his "Reviews of the Session"?'" The observation, if true, is little to Lord Melbourne's credit. But it is so unlike the man, so absolutely inconsistent with the real facts of Lord Lyndhurst's resumption of his place on the woolsack, that it may safely be dismissed as unworthy of credit.

CHAPTER XVI.

Lord Lyndhurst as a Judge—Promotes Legal Reform—Speech in favour of Copyright Bill—His Defence of Irish Lord Chancellor—Longing for Retirement—Illness—Sir R. Peel's Anxiety—Failure of Lord John Russell to form a Ministry—Peel resumes Office—Lyndhurst remains as Chancellor—Speech on Charitable Trusts Bill—Bill defeated—Government Coercion Bill rejected—Ministry resigns—Lyndhurst's Delight at Release from Office.

LORD LYNDHURST was now in his sixty-ninth year. But he was hale and strong. "I wish," his sister writes (28th September, 1841) to Mrs. Greene, "he were a few years younger. He has led a comparatively idle life so long that it is hard work to begin again." But she adds, "he gets through his hard work with ease; he is remarkably well."

It was easier for him than for most men to resume the duties of his office; his marvellous memory had at command all the professional lore which he had stored up in former years, and he had not failed to keep himself posted up in all the decisions of importance which had been given since he formerly occupied the Woolsack. Lord Campbell alleges, that he had been "so absorbed in political intrigue" ('Life,' p. 134), that he had neglected his legal studies in the interim. The one assertion is as true as the other, and both are as unfounded as the statement which immediately follows, that, "with one exception he never sat in the Judicial Committee of the Privy Council,"—that exception being the celebrated case of an appeal from the Court of Arches on the subject

of "Jamie Wood's Will." On this subject the Edinburgh Reviewer of Lord Campbell's 'Life of Lyndhurst' speaks with authority.

"The Reports," he says, "show that the statement is incorrect. But Lord Campbell has also wholly omitted to state, that Lord Lyndhurst was one of the chief promoters of the Act which gave the Privy Council its jurisdiction for the Extension of Patents. From his love of mechanical inventions, he took great interest in these matters; and for many years he sat at the Privy Council on all the Patent Cases which were heard there, and he framed the rules which still govern these proceedings." ('Edinburgh Review,' April 1869, p. 562.)

"No man entertained a higher estimate of judicial duty than Lord Lyndhurst, or expressed his views of it on several public occasions more strongly. He spared no pains with his cases. The more intricate and difficult they were, the greater their attraction for him; for the pride and ambition of his life was distinction as a lawyer, rather than as a statesman. Lord Campbell's allegation, that "he was by no means over anxious or scrupulous about the business of his Court being disposed of satisfactorily," is at variance with the conviction of those who had direct access to know how conscientiously Lord Lyndhurst laboured to ensure justice being done in every matter that came before him judicially, no less than with the opinion of the outside but very critical world of professional men who could judge only by results! Everyone who knows anything of the legal profession knows that no man can be a great lawyer by fits and starts, or by cramming for special cases. If Lord Lyndhurst had been what Lord Campbell asserts he was, how comes it to pass that he never delivered judgment in any important case, or spoke on any question of constitutional principle or legal reform, without producing the impression that he was so

thoroughly master of the whole law on the subject, that it cost him no effort to state it with a clearness and a brevity unattained by any other lawyer of his time?

Lord Campbell also says (p. 134), that "such was Lord Lyndhurst's disinclination to judicial work," that "he could not prevail on him to attend the hearing of the appeal in the House of Lords on which the disruption of the Church of Scotland depended. His presence might have saved a great national calamity." Contrast with this Lord Lyndhurst's own words, in a debate upon the Church of Scotland, brought on by Lord Campbell himself (31st March, 1843)—

> It would be productive of the most serious consequences if any doubt should be entertained in Scotland as to the unanimity of the decision of your Lordships with respect to the decision of your Lordships in the Auchterarder Case. I was not present when the case was argued for the first time, but when it came before this House for the second time I had the honour of presiding at the hearing of it. Everybody acquainted with the subject knows that the second case was connected with and arose out of the first. It therefore became my duty, before the judgment was pronounced in the second case, to consult all the papers, and all the arguments which had been adduced in the first. I paid every attention to the subject, I consulted all the judgments of the judges in the courts of law, and the opinion I arrived at was, that it was perfectly impossible, consistently with every legal principle, to come to any other decision than that which was pronounced in the first Auchterarder Case. (Hansard, vol. lxviii. 272.)

If this were so, how could his presence at the hearing of the first appeal have averted a great national calamity?

Again, Lord Campbell expresses surprise that Lyndhurst's recorded decisions during his third Chancellorship were few and unimportant. Surely quality, not quantity, is the true test of the excellence of a

judge's decisions. In general it is the weak and ill-instructed man who loads the reports indiscriminately with elaborate judgments. But when the question was new, or difficult, or important, when "a reasoned judgment," to use Lord Campbell's phrase, was appropriate, Lyndhurst was not found wanting.

Another ground of charge against him by Lord Campbell is, that he almost always affirmed. And why not, if the judgment appealed from was sound? Which is the more likely to be right—the man who comes with an open mind to the investigation of a case, or he who, like Lyndhurst's successor, Lord Cottenham, approached, according to Lord Campbell, the consideration of every question brought before him on appeal in such a way, that it was said of him that "he always presumed the decree to be wrong till the contrary was clearly proved"? The quality of mind which this indicates is not that dispassionate judgment "which tries all things, proves all things," but an inward self-complacency, which starts with setting up its own fancied astuteness as superior to that of other men, and out of a desire to show its independence or originality is more often apt to be wrong than right in its conclusions. To affirm heedlessly is obviously as fatal to a judge's character as to give an original judgment heedlessly. Lord Campbell graciously allows to Lord Lyndhurst the merit of "never being influenced by any improper motive in deciding for one party rather than the other;" but in the very next sentence he accuses him of "taking the course which was likely to give himself least trouble," apparently unconscious that any more improper motive short of direct bribery could not be alleged against a judge, particularly a judge in Appeal—implying as it does a total indifference to the rights of the parties before him.

Lord Brougham ('Memoirs,' vol. iii. p. 436) says, "Great as Lyndhurst was as a judge, the common impression was, that on the bench he was not in earnest;" and in this verdict he expresses his concurrence. Unfortunately, he does not explain on what the impression was founded. How a man can be a great judge, and at the same time not be in earnest when on the bench, is a problem not easy to understand. The imputation may have arisen from the fact, that he did not show the same eagerness as other judges to display his great judicial aptitude, and was well content to let his coadjutors in the House of Lords or in the Privy Council take a lead in the disposal of cases which he might have claimed for himself. Lord Campbell points in this direction, when he says, in speaking of his treatment of cases in the House of Lords (p. 139), "Lyndhurst never betrayed the smallest degree of jealousy or envy. In truth, being indifferent about judicial fame himself,"—this might be so, for he already enjoyed it—"it gave him no uneasiness to see it enjoyed by others." The truth was, he abhorred the idea of a judge courting popularity by anything like display on the bench. It was a defect which he reprobated in Lord Campbell himself. Speaking one day to Mr. Whitwell Elwin of Campbell's excellent qualities as a judge in many respects, he said, "Apart from his laying himself out in Court for mob applause, he is a very considerable Chief Justice."

Supported as he was in the judicial proceedings of the House of Lords by such men as Lord Brougham, Lord Cottenham, and Lord Campbell, Lord Lyndhurst, with the burden upon him of the vast and multifarious duties of a Lord Chancellor, might be excused for leaving upon occasions the labouring oar in their hands. But in all important cases he came to the front,

and sustained his great reputation by the learning and ability of his judgments.

For one high quality he was conspicuous: the passions of the politician never entered the breast or warped the conclusions of the judge. Of no man, for example, had he spoken in intenser terms of scorn and reprobation than Mr. O'Connell. But when the writ of error in the case of *O'Connell* v. *the Queen* came before the House of Lords on appeal, for setting aside the conviction of the great agitator in 1843 for high treason, no trace of partiality or prejudice was to be discerned in Lord Lyndhurst. "The demeanour of the Chancellor," says Lord Campbell, "was that of a dignified magistrate, whose only object was to arrive at a right conclusion, and to do justice between the Crown and the subject." He, along with Lord Brougham, was in favour of sustaining the judgment of the Court below. Lord Denman and Lord Campbell took a different view, and therefore, according to the maxim always applied in the House of Lords, *præsumitur pro negante*, the judgment was reversed. Lord Brougham could not conceal his chagrin, and said in his place, that it was a decision which would "go forth without authority, and come back without respect;" but Lord Lyndhurst, whatever he may have thought, accepted the result with a dignified silence. Lawyers may differ as to the soundness of the views of the reversing judges, but politically the result was not to be regretted. It proved to the Irish adherents of O'Connell that England, however provoked, dealt fairly with her adversaries, and it robbed their orators of a favourite theme for their invectives. By the time the decision was given (4th September, 1844,) the excitement caused by Mr. O'Connell's trial had died

down; and when he was liberated his power for mischief was at an end.[1]

Lord Lyndhurst's speeches in the House of Lords during his third Chancellorship were confined almost exclusively to questions of legal reform. Of these several were introduced by himself; but his powers were applied no less conspicuously in stopping the progress of bad or crudely devised measures, and in correcting and perfecting those that were good. In the latter task he was not unfrequently brought into collision with his future biographer, who generally came bruised and discomfited out of the conflict. Unluckily for Campbell, Brougham was in most cases found fighting against his measures by the side of Lyndhurst, and as Brougham's ardour for legal reform admitted of no question, this raised a strong presumption that, in these cases at least, Lyndhurst was in the right. Campbell's struggles to make head against two such adversaries were more daring than skilful. His taunts as to what he chose to consider an unnatural union for the purpose of mere obstruction brought down upon him on several occasions the heavy hand of Brougham with sledgehammer force. Lyndhurst, with a tenderer touch, flashed his airy sarcasms round him, with the manner of a man rather amused than otherwise by Campbell's heavy attempts at irony or invective. It required something more important than any of Campbell's speeches to draw Lyndhurst's thunder. But more than once he made Campbell feel the weight of his silent scorn, as when

[1] On the day of the release of O'Connell and the other prisoners (7th of September, 1844), a triumphal procession, in which O'Connell was seated on a car, was got up. The present writer saw it pass down Sackville Street. A more forlorn exhibition could not be imagined. It was obvious that the spell was broken, and a few hollow cheers told very plainly that the old enthusiasm for the man was dead.

(4th August, 1845) Campbell spoke with a sneer of what Lyndhurst had said in support of one of the Government Bills, as "a most ingenious speech, which his noble and learned friend on the woolsack is able to make on any occasion, and in support of any cause." What wonder, if Lyndhurst were, as Campbell complains that he was, "disposed to treat somewhat cavalierly" the man who could speak of him in such terms!

Loving literature as he did, it was natural that Lord Lyndhurst should take up the Copyright Question. Serjeant Talfourd had for years been attempting to obtain an alteration of the existing law, which limited the author's exclusive right of publication to twenty-eight years, or the termination of his life. Long and strenuous effort was needed to overcome the influence of his opponents, but in the session of 1843 a Bill was introduced by Lord Mahon which, as it passed the Commons, extended the term to forty-two years, or to seven years after the author's death, should he die within that term. When the Bill came up to the Lords, the Chancellor became its most strenuous supporter, with Lord Brougham for his chief opponent. Lord Lyndhurst's speech, as usual, exhausted the subject, and placed the author's case upon unanswerable grounds. Some passages are of permanent interest—

"The plain principle of common sense," he said, "applies to the question—that the more encouragement that is given to literature, the more valuable the productions of genius are rendered, the greater will be the likelihood of extending their number and increasing their importance. But what is the argument by which the supporters of the extension of the copyright are met? The first objection commonly urged is the monopoly the Bill would give. 'This is monopoly,' it is said; 'will you encourage monopoly?' Why, every man

that possesses a house is in that sense a monopolist. The house is his property, therefore he has a monopoly of it. So with the man who possesses a farm. It is his—his exclusively; he has a monopoly of it. And so should it be with respect to copyright. Is there any harm in such a monopoly? So far from it, copyright is, of all descriptions of property, the very last from which any public harm can result from the possession of monopoly, for it is a property that is of no value unless it is communicated to the public, and the extent of its value depends upon the extent to which it is communicated. Copyright, properly and justly protected, has all the advantages of property, and none of the evils of monopoly. . . .

"What is the language of the existing law? It says to the author, 'Your property shall not be touched during your life; but the moment you die the doors of your house shall be opened; the rabble shall be let in, your household treasures seized and distributed among the multitude.' Then, again, it is said, 'This Bill is objectionable, because it will enhance the price of books.' Suppose it does, I do not admit that this would be a valid reason against the Bill. It enhances the price of books; and for what purpose? For the sake of the authors. For the sake of repaying the author for his labours—for the sake of repaying the man who created the work, and laboured to complete it. . . . The individual who created the work is not to be sacrificed for the sake of saving small sums to the public."

But that the effect of the Bill would be to enhance the price of books, he would not admit, on the broad ground which experience has proved to be just, that the extension of the term of copyright would, by diminishing the risk of publication, induce a larger investment of capital in the publication of books. It is obvious that Lord Lyndhurst was prepared to have given a larger amount of protection to the author than was given by the Bill. But he refrained from attempting this, knowing the dangers which attended any reopening of the question; and the Bill, which

soon afterwards became law (5 and 6 Vict. c. 45), still continues to regulate the rights of authors.

The only speech of a political character made by the Chancellor during his tenure of office was on the 14th of July, 1845, in a debate on which he was, by reason of his official position, compelled to take part. For some time Ireland had been brought into a most critical state by the boldness of the Repeal agitation. Meetings of enormous masses of the people were being drawn together by O'Connell, at which, under the thinnest disguise, the doctrine of insurrection against English rule was inculcated. Midnight drilling was carried on, "Repeal infantry and cavalry" were being secretly organised, and the rallying cry "Repeal or Blood" was given to assembled thousands by the less cautious followers of the great agitator. As to the character and objects of these meetings there could be no doubt; and the Lord Chancellor of Ireland (Sugden) had felt it his duty to strike out of the Commission of the Peace Lord Ffrench and other justices who had given them direct countenance either by convening or attending them. This was made the foundation of a formal charge against the Irish Government and the Irish Chancellor in a resolution, proposed by Lord Clanricarde to the House of Lords, condemning their action in the matter as "unconstitutional, unjust, and inexpedient."

At the end of a long debate, in which the Duke of Wellington spoke with great effect, Lord Lyndhurst rose to vindicate the action of the Irish Chancellor. With merciless logic he exposed the flimsy pretext set up by the Opposition, that these meetings were legal and harmless, and convened merely for the exercise of the constitutional right of petitioning. He called attention to the state of things in Ireland which had been

brought about by the Repeal Association, whose object was the dismemberment of the Empire, for, as he said, "no person can for a moment doubt that the repeal of the Union must necessarily be followed by the dismemberment of the Empire." He then called attention to the fact that the Association numbered in its ranks "almost the whole of the Romish hierarchy in Ireland," and that in every parish officers, called Repeal Wardens, had been proved to have been appointed to drill and discipline the population, and to render them capable of being set in motion within twenty-four hours. The immense sums levied by so-called voluntary contributions upon the people for carrying on the operations of the Association were then adverted to, and he proceeded—

It is by this Association, thus constituted, that those meetings are assembled, and the whole proceedings take place under the direction and counsel of one great leader. I ask your Lordships, if in any civilised country such power as this has ever existed—a conspiracy more formidable, one more dangerous to the State, and more pregnant with mischief. But let us see the objects of this Association, for when we are considering the conduct of the Lord Chancellor of Ireland, it is proper to take the whole case into our consideration. What then are the objects? This organisation—this foul conspiracy, because it cannot be called by a better name—has for its object the repeal of the Union. This is its first step. They then propose to establish an Irish Parliament—an Irish House of Commons in Dublin—which are to be collected together by universal suffrage. They are next to constitute a peerage, composed in a manner which is to be dictated by the Association. I am yet but repeating what has been publicly stated by their leader. The next object they have in view, which has been publicly declared, is the destruction of the Protestant Church of Ireland—the confiscation of the property of the Church for such objects as the Association may hereafter think right and proper. The third object is to establish fixity of tenure—that

is, a transfer of property from the landlords to the tenants, which is proposed for the purpose of flattering the passions, and exciting to agitation the great mass of the people.

After showing the character of these meetings, the inflammatory nature of the speeches, the assurances there reiterated to great crowds, that "by union, and energy and courage, they need not be afraid in a contest with the soldiery"—are such meetings, he asked, for discussing petitions to Parliament—are they not rather "the first step in the march towards rebellion and intended to encourage the people and prepare them for such a result?"

It is said that some of these magistrates, Lord Ffrench, for instance, had done nothing. Why, Lord Ffrench's name was attached to a proclamation calling one of these meetings! Is that doing nothing? How is it possible for any rational man to get up and contend that the dismissal under such circumstances is unconstitutional? My Lords, this I am convinced of, that no person should be allowed to hold an office under the Crown, who attends meetings of this description deliberately and advisedly, and had I held the office of Chancellor of Ireland, I should have felt it my duty to do the very same thing.

This declaration, by which the English Chancellor threw the ægis of his authority over his Irish brother, was conclusive, and only 29 peers followed Lord Clanricarde, while 69 voted against the resolution. It was natural that the Irish Chancellor should feel warmly the defence so fearlessly urged by Lord Lyndhurst. This feeling he expressed in the following letter.

July 26, 1843.

My dear Lord Lyndhurst,—I read with great pleasure your very kind defence of me. Although I could not but be flattered to be so spoken of from such a quarter, yet it was the tone of personal kindness which attracted me, and for which

I do most heartily thank you. Believe me with great truth, my dear Lord, ever most faithfully yours,

(Signed) EDWD. B. SUGDEN.[1]

By this time Lord Lyndhurst was beginning to long for rest from the fatigues of office. On the 3rd of April, 1843, his sister writes to Mrs. Greene, "My brother has been remarkably well; he gets over his hard work with more ease than I expected. How you would be delighted to see him Chancellor! Do, pray, come, but it must be soon, for he says he will not retain the office long, and indeed he sighs for repose from his labours." His farm and garden at Turville Park were growing more and more attractive to him. His holidays were spent there, and to them he escaped at other times whenever he could upon Saturday, returning to his work in town on Monday. Again on the 2nd of April, 1844, his sister writes that "he has been and is remarkably well, sometimes tired with the hard work of office, which he does not intend to hold much longer." In truth, his value in the Cabinet was so great, that his Chief could not afford to let him go. But, so far as personal feeling went, he would at any time have been glad to quit office.

He was therefore quite prepared to follow Sir Robert Peel's lead, when the defeat of the Ministry (14th June, 1844) on the Sugar Duties, owing to the defection of some of the members of his party, nearly brought about that result. It was averted for a time by a resolution at a meeting of the Conservatives on the 18th, assuring the Premier of the general and united support of the party, and by a vote the same evening reversing the decision of the 14th. It is to

[1] Lord Campbell (p. 172) says that up to 1851 Sugden was an object of Lyndhurst's "special aversion." So far from this being the case, they had been for years on terms of cordial intimacy, of which the proofs exist in their correspondence.

this that Lord Lyndhurst's sister alludes in a letter to Mrs. Greene next day.

. . . We are all well, I am happy to say my brother remarkably so. For the last few days we have been in a state of excitement, thinking that the Ministry might be compelled to resign, but the division in the House last night has set things at rest for the present. As far as we are personally concerned, we do not care much about it, but upon party considerations it is mortifying to be defeated.

Lord Lyndhurst bore well the fatigues of that session, and the next. He spoke little in the House of Lords, but his services to the Government were always available in the Cabinet, where his opinion was eagerly sought by Sir Robert Peel, who found him uniformly helpful and full of resource in difficulty, as well as loyal in devotion, during a period when, it is well known, the ability and courage of that statesman were most severely taxed. In him the Premier found a supporter of all the liberal measures, which were so objectionable to the laggards of his party, and were already cooling their allegiance to their leader. The question of the Corn Laws also was rapidly coming to the front; and it was no doubt with the view of preparing himself for a decision in regard to it, that we find Lord Lyndhurst writing to Mr. Gladstone (14th May, 1845)[1]—

My dear Gladstone,—Will you have the goodness to lend me something very full, but at the same time concise, upon the subject of the Corn Laws—the cream, if you please. Excuse this trouble, and believe me ever yours.

The result of Lord Lyndhurst's studies was his

[1] Lord Lyndhurst, as already mentioned, had the bad habit of rarely putting a date to his letters. If we are right in assigning this letter to 1845, Mr. Gladstone was not then in the Cabinet, having retired in January on the question of the Grant to Maynooth, but he continued to support the Government.

adherence to Sir Robert Peel, when some months later he was compelled, much against his will, to become the instrument for the Repeal of the Corn Laws. At the time when the threatened failure of the potato crop throughout the kingdom, and chiefly in Ireland, betokened an impending crisis, in which Ireland would again be England's greatest difficulty, Lord Lyndhurst was seized with a sharp attack of illness. This was in November, early in which the holding of four Cabinet Councils in one week, according to Mr. Disraeli, "agitated England, perplexed the sagacious Tuileries, and disturbed even the serene intelligence of the profound Metternich." Happily the attack was of short duration; but for a time it caused serious anxiety to Lyndhurst's friends, and to none more than to Sir Robert Peel, to whom his convalescence, as will be seen from the following letter, was a great relief.

Whitehall, November 20, 1845.

My dear Lady Lyndhurst,—Do not send me any acknowledgment of this, for I know how incessantly and anxiously you must be occupied, and I receive regularly from Sir James Graham the accounts of Lyndhurst. I only write in satisfaction to my own feelings, to say to you, and through you to Lyndhurst, how truly and cordially I rejoice, in common with his friends and colleagues, at the improvement which has taken place, and how earnestly I pray that it may be progressive, and soon end in complete recovery. Believe me, my dear Lady Lyndhurst, most faithfully yours.[1]

[1] Contrast this letter with Lord Campbell's statement ('Lyndhurst,' p. 154), that Sir R. Peel was at that time "about to transfer the Great Seal to some one for whom he had more respect," and that the Chancellor "was certainly treated with undisguised neglect by his colleagues." Chief in this treatment Sir James Graham is mentioned in another place. Seven years afterwards (25th June, 1852), this was what he said in Parliament of Lord Lyndhurst: "I must speak of him as a friend, and a colleague with whom I am proud to have served. Among his characteristics there was one that particularly distinguished my noble and learned friend, and that was his love of justice." (Hansard, vol. cxxii. 1323.) Observe, too, how Lyndhurst speaks of Graham in the following memorandum, written the 26th of October, 1861, on hearing of his death: "News of death of Sir J. Graham,

Sir Robert Peel, when he wrote this letter, was not aware how soon he should have to make a demand upon the attachment of his Chancellor, by whom he had been already told, that as he was now 76 years old, and was rapidly losing the sight of his only good eye, he could not remain in office another session. Lord John Russell's famous letter to his constituents from Edinburgh (22nd November, 1845), abandoning his former opinions and declaring in favour of a total repeal of the Corn Laws, forced the Premier's hand. Repeal was now inevitable. But it was not for him, who had come into power upon Protectionist principles, to propose it. He therefore determined on leaving that task to the political adversary who had thus proclaimed its necessity, and he placed his resignation in Her Majesty's hands. Lord Russell's failure to form a Ministry[1] threw upon Sir Robert Peel the task of resuming the responsibilities of office under conditions which nothing but a sense of duty to the country and his Sovereign would have induced him to undertake, seeing, as he did, before him the alienation of old friends, the disruption of party ties, the charge of treachery and dishonour, and all that torrent of obloquy and reproach which is sure to be directed against the statesman who has the courage to act counter to a

---

one of my former colleagues; age 69. Able and industrious administrator, cautious and somewhat timid statesman. Always spoke with weight in the House. Not popular; *always obliging and kind to me, always ready to defend me in the House of Commons.* Instance the Chancery Officers Compensations."

[1] It is well known that Lord Russell's movement was anything but welcome to his party. Of this we have an indication in the following passage in a letter (17th of December) to Lord Lyndhurst from Lord Clarendon: "Up to this hour I cannot comprehend the reason why Sir R. Peel's Administration has been broken up, but whatever difficulties he had in carrying it on, they must be incalculably greater in forming another, and I still cling to the hope that they will be found insuperable. I hear Lord John has gone down to Windsor to-night, and I can assure you that the most acceptable news he can bring back *to his whole party* would be that he had not considered himself justified in undertaking the task proposed to him by the Queen."

creed which he has outgrown. With the exception of Lord Stanley, who was succeeded by Mr. Gladstone, the Peel Cabinet remained unchanged. At such a moment of difficulty Lord Lyndhurst was not likely to desert his chief. He put aside all personal considerations, and determined to stand by him through the coming struggle. A few days afterwards (22nd of December, 1845), we find Sir Robert Peel writing to him—

My dear Lyndhurst,—Will you have the goodness to direct the immediate preparation of the Bill for opening Municipal Offices to the Jews—that we may mention the subject and read the draft of the Bill at the first Cabinet? It cannot be in so good hands as yours. Most truly yours.

How the Ministerial crisis was regarded in the home in George Street, and how welcome to himself and those about him had been the first prospect of release from office, may be seen by the following letter from Miss Copley to Mrs. Greene.

Turville Park, December 10, 1845.

In my last letter I had the happiness of telling you that our dear brother was recovering from his severe attack of illness. . . . I daresay that he feels something like a schoolboy going home for the holidays. You, of course, will have heard before this reaches you of the resignation of Sir Robert Peel's Cabinet, and that Lord John Russell is the new Premier. I own I am sorry for the change, excepting as far as my brother is concerned. He has been waiting for a good opportunity to resign, but would not do so while his friends were surrounded with difficulties, so that we have personally no cause to regret the change.

Writing again on the 3rd of February, 1846, Miss Copley tells her sister, "it is at present very uncertain what turn political affairs may take; but we are all urgent for my brother to resign his office, which he will do if the present Government keeps in, and, of course,

if they go out, he goes too." That the time for their going out was not far distant, he could not but be aware. The Liberals were almost to a man ready to support Sir Robert Peel, until he had carried the Repeal of the Corn Laws, which they were not in a position themselves to carry; but, that done, it was obvious, they would seize the very first opportunity to place him in a minority, aided by the large body of Protectionists who were prepared to join with them in effecting that result. But in the meantime Lord Lyndhurst did not slacken in his endeavours to sustain the reputation of the Ministry in promoting sound practical reforms.

One great speech he made with the painful conviction that he would not carry with him that majority which hitherto had never failed him. On the same night (18th of May) that the Corn Importation Bill was read a first time in the House of Lords, he moved the second reading of the Charitable Trusts Bill, a measure which had passed through that House triumphantly the previous year, but too late to be carried through the Commons. The measure was urgently demanded, to stop the scandalous misappropriation of funds bequeathed for charitable purposes. It was a reform which Lord Lyndhurst had very much at heart, and he threw into his speech all his powers of exposition, of humour and of earnest persuasion. His audience, as usual, listened with delight, for, as Campbell truly says in speaking of this speech, "no one could be within sound of his voice without earnestly listening." With exquisite humour he described, in illustration of the abuses at which the Bill was meant to strike, the way in which the Mercers' Company[1] expended annually on a breakfast, luncheon and dinner, a sum of about £90,

[1] Not the Lord Mayor and Aldermen of London, as stated by Lord Campbell p. 155).

during a visit of certain of their number to Greenwich, to examine the accounts of a charity, a duty for which the founder, the Earl of Northampton, in the reign of James I., had directed that only the sum of £5 a year should be applied. The elaborate menu of the dinner was enough to inspire hunger in an anchorite. The Chancellor was speaking at seven o'clock, and prefaced his perusal of it with the remark, that it was "an awkward hour to speak of such things, and that he was afraid he would have a very thin audience after reading it." A needless fear, for what attraction could turn the scale, where so much humour, strong sense, and vigorous argument in the mouth of a speaker who never threw a word away formed the counter-attraction?

But there was another reason for keeping the House together, more potent than even Lyndhurst's eloquence. A combination had been formed between the Whigs and the Protectionist Peers to inflict a defeat upon the Government. Party, as usual, where place was in prospect, predominated with the Opposition over patriotism, and in their van Lord Cottenham and Lord Campbell stepped forward to shield abuses, which such pure Reformers were bound by every principle of their creed to denounce. Lord Brougham, to his honour, not only would not countenance this unholy alliance, but spoke in favour of the Bill in his best style. But neither his eloquence nor Lyndhurst's almost impassioned appeal to their Lordships' "sense of justice—a principle which had always been revered and considered sacred in that House," had any effect, and the Peers declared against the second reading of the Bill by a majority of two.[1] The

[1] Lord Campbell says, "It was thrown out, and, I must with shame confess, very factiously. . . . We, alas! had not the virtue to withstand the temptation of snatching a vote against the Government"—at the cost, he might have added, of a great public wrong. Contrast with this the Queen's eulogium (7th of July)

result was serious, for not till 1853 was a legislative remedy applied to abuses which, owing to this factious coalition, were left in full play for eight more years.

This vote was a certain presage of the speedy close of the Peel Administration. Early in the session they had introduced a Coercion Bill for Ireland, which the official information at their command suggested as the only means for checking the terrorism and assassination which were once more gaining a head in that distracted country. It suited the Opposition to make light of the Ministerial apprehensions, and to snatch at the popularity which is always within reach of those who represent as tyrannical and oppressive all swift and resolute action for the suppression of violence and sedition. Availing themselves of the hostility of the Protectionists to the Government, it was not difficult to defeat the Coercion Bill, and a majority of seventy-eight against it on the 26th of June justified Sir Robert Peel in passing the cares and responsibilities of government into hands which he well knew would have bitter cause before long to regret the line of action they had adopted in regard to this very Bill. A dissolution in the then state of parties would not have given him a working majority, and, to use his own words in the House of Commons, "anything was preferable to maintaining ourselves in office without a full measure of the confidence of this House."

Sir Robert Peel had indeed, like his Chancellor, long been desirous of retiring from office; and, while he was writing (4th of July) to Lord Hardinge in India,

on Sir Robert Peel and Lord Aberdeen on their resigning office: "Never during the five years that they were with me did they ever recommend a person or a thing that was not for my or the country's best, and never for the party's advantage only." ('Life of Prince Consort,' vol. i. p. 328.)

from Drayton Manor, that he had "every disposition to forgive his enemies for having conferred upon him the blessing of the loss of power," this is the way that blessing was regarded in Lord Lyndhurst's home. His sister writes (3rd of July) to Mrs. Greene—

> . . . Of course you will have heard before this reaches you of the resignation of the Peel Ministry, and that the Whigs have taken their places. We bear our defeat with great philosophy. To be sure, my brother had made up his mind some time since to retire from the fatigues of office upon the first convenient opportunity; still, it would have been more agreeable to have left the other members of Government behind. He is as well as I have known him to be for a long time, and quite delighted at the idea of a little leisure. . . .

That leisure he had well earned. He descended from his high office with a fulness and brilliancy of reputation which might have satisfied the most aspiring ambition, and with no thought that he was to be permitted to apply his great gifts with signal effect again and again, through many years, for the public good. As soon as possible he got away from the town to the quiet of his country house. Many years had elapsed since he had written to the beloved sister in America, with whom we have seen him during his first years at the Bar in frequent correspondence. But when Christmas came round, and found him for the first time a free man, he resumed his pen, and wrote to her in the old, simple, affectionate strain.

Turville Park, December 30, 1846.

My dearest Sister,—It would be quite scandalous, as I am now free from all my fetters, at this season of festivity and mirth, if I were to neglect writing to one so dear to me, and with whom I passed so many years of my early life. Hitherto our correspondence has been carried on by Mary,

whom we dignify with the title of *Aunty;* but I have no longer any excuse for not taking a part in it. She was much shaken some time back by an asthmatical attack; this has rendered her very prudent and cautious, and she has now pretty well recovered from the effects of it. I also have suffered from illness, but of a transitory nature, and I am now quite blooming, and that too in spite of the deep snow with which this hill country is crowned. But you will laugh at my talking of snow in *Old* England—it is such a mere sprinkling to the inhabitants of *New* England.

And so you have got into *War!* What a foolish or wicked gentleman your Mr. Polk seems to be! Does he think you have not already acres enough?—or that the addition which he seeks will add to the happiness or even to the power of the Union? But it is a hasty move, I presume, and it is not intelligible upon any other principle! You can't spare Sarah, [her daughter] or it would give us great pleasure to see her again in England. You know she took a fancy to this side of the water, and I have no doubt another expedition would do her good. If she could be persuaded to come, and you could be persuaded to part with her for six months, we would return her safe and sound at the expiration of that period.

We have been passing the winter here, now and then, with a few friends; and this tranquil sort of life is a great relief and a great pleasure to me, after the constant dull routine of office, and of public life for so many years. You would, I am sure, sympathise with me in this feeling,—you who always loved peace and tranquillity, and the society of your family and friends. We cannot, my dearest sister, count on many more years. It is time for me to set my house in order. Yours has happily always been in that state. I wish we could exchange kisses at this moment, but as that cannot be done even with the aid of the electric telegraph, I must content myself with wishing to you and yours, not only a pleasant time now, but every sort of blessing and happiness.

I remain, my dearest sister, your affectionate brother,

(Signed) LYNDHURST.

CHAPTER XVII.

Unsuccessful attempt to reunite the Conservative party—Attack by Lord George Bentinck—Lord Lyndhurst's reply—Communication with Lord Stanley as to future policy of the Opposition—Life at Turville Park—His social circle—Speech on Canada Bill for compensating losses in Rebellion—Failure of Sight—Temporary Retirement from public life—Is operated on for cataract—Sight restored.

Lord Lyndhurst left office with the determination never again to return to it. Its honours and its emoluments were alike indifferent to him. But he could not regard without deep concern the distracted state of the great Conservative party, to whom he looked for holding in check the democratic rashness of the new school of Liberals. To unite them again on the common ground which they had occupied before they were divided into Peelites and Protectionists, was a task in which he of all men was most likely to succeed. Stormy times were ahead both at home and abroad. Ireland was every day advancing nearer and nearer to famine and insurrection, and on the political horizon abroad the clouds were already gathering which broke in the revolutionary storms of 1848. The Whig Government was notoriously weak,—dependent, as was very early seen, for its very existence upon the support of Sir Robert Peel and his friends; while the only leader of the broken ranks of the Conservatives, who had as yet come to the front, was Lord George Bentinck. His capacity, however, for the task had yet to be proved, and his antecedent history had not inspired confidence in the great

body of Conservatives, who had been used to look to Sir Robert Peel and the Duke of Wellington as their leaders. It was obviously of the highest importance, therefore, that a reunion of the broken ranks of the party in opposition should, if possible, be effected; and, as Lord Lyndhurst notoriously could have no motive of personal aggrandisement in the return of his party to office, and held a position of neutrality between the sections into which they were divided, he was obviously the fittest person to attempt their reconciliation.

His reasons for undertaking the work were given by himself in the House of Lords (22nd of August, 1846)—

"Immediately after the present Government was formed, the different members of the Conservative party appeared to me to show a desire to unite and to forget their differences. That was the case in this House, and it appeared to me extremely desirable to effect the same object in the other House. I thought it desirable, because, from the position in which I stood, it was well-known that I was not a candidate for official appointment, and I thought I might undertake the task without a suspicion that I had any personal objects in view. I therefore communicated with several of my friends who were members of the other House. I represented to them that it was of great importance that former differences should be forgotten, now that the great measure was passed which had led to these differences. I stated that, not with reference to any particular measure or set of measures. I desired that the Conservative party should be re-formed, and that they might then take such a course as was considered advisable." (Hansard, vol. lxxxviii. 973.)

Lord Lyndhurst was aware that Sir Robert Peel, like himself, had bidden adieu to office for ever. In any case he was not likely to take part in a scheme for reuniting the Conservative body, after the treatment

he had received from the leaders of the Protectionists. Still, as Lord Lyndhurst said in the same speech, in order that he might not be subjected to misrepresentation, he thought it desirable to communicate with his former chief, after some progress had been made in ascertaining the views of other members of the late Government, and of the party which supported it. When they met, Sir Robert Peel stated that he was not prepared to enter into any party combination with a view to his own return to office, and should leave "to those with whom he had been previously connected in political life the entire liberty to judge for themselves with regard to the formation of any new party connection."[1]

The Duke of Wellington was also made aware of what was going on, as in such a matter Lord Lyndhurst was not the man to stir without opening his purpose frankly to his friends and oldest political allies. But, as will be seen from the following letter, the Duke, whilst most desirous to see the breach in the Conservative ranks healed, did not consider it consistent with his duty as Commander-in-Chief to act in direct concert with "any political party not connected with the existing administration."

"London, July 23, 1846.

"My dear Lord Lyndhurst,—I told you that in consequence of Her Majesty having conveyed to me her commands that I should continue to fill the office of Commander-in-Chief of Her Majesty's land forces, through her Minister, Lord John Russell, I had given my consent; but that I had explained

[1] "Lyndhurst," says Campbell ('Lyndhurst's Life,' p. 166), "never forgave Peel the cruel rebuff which he now received, instead of expected thanks, with perhaps an offer of becoming Chancellor *quinto*. Peel relented as little, and the estrangement continued down to the premature death of that distinguished statesman.' Instead of being estranged, they remained all along on the best terms. Lord and Lady Lyndhurst, as already mentioned, visited Sir Robert Peel at Drayton Manor, in October 1848, and the reader will emember what his host wrote of him a few days afterwards (*ante*, p. 239).

myself to Lord John nearly in the very words of, and had referred to, a letter which I had written to Her Majesty in December last, when Her Majesty had herself in writing intimated the same command to me on the occasion of the retirement of Sir Robert Peel from Her Majesty's service, and Lord John Russell having received her commands to form a Government.

"Here follow the very terms used:—'It is impossible for F.M. the Duke of Wellington to form a political connection with Lord John Russell, or to have any relations with the political course of the Government over which he will preside. Such arrangement would not conciliate public confidence, be creditable to either party, or be useful to the service of Your Majesty; nor indeed would the performance of the duties of the Commander-in-Chief require that it should exist. On the other hand, the performance of these duties would require that the person filling the office should avoid to belong to, or to act in concert with, any political party opposed to the Government.'

"Her Majesty was thus made aware of the position in which I was about to place myself, in case Her Majesty should communicate to me her official command that I should resume the command of her army.

"I stated to you the substance, and I believe the very words above written in conversation at my house, on one afternoon that you called upon me. I had stated them to others. The conversation between you and me related to a meeting of the House of Lords, at which I had not been present.

"I lamented with you the divisions occasioned by late measures and events, in parties, among friends, and even between individuals of the same families; and I expressed the anxious wish and desire that for the sake of individuals, of society, and for the benefit of the State itself, these should no longer exist; but that all should be reconciled, that everything injudicious that had been said might be buried in oblivion, and that all might again unite as heretofore in the service of the public. I observed that you must see that, situated as I was, it was impossible for me to belong to or to act in concert with any political party not connected with the Administration under which I was holding office by command of Her

Majesty. I could see clearly the course which was desirable for those to take in society with whom I was living, and with whom I had been acting, and for the State; but my professional position prevented me from taking this course; and that I must decline to interfere in any manner, and that I should attend Parliament but little, if at all, after the unfinished measures of Sir Robert Peel's Government had been brought to a close.

"I think that this is the substance of what passed between you and me on the occasion referred to. I have explained myself in the same way to others, and I am anxious that in any communication which you may have with any, in which my course may be discussed, you will bear in your recollection the contents of this note. Believe me ever yours most sincerely, (Signed) "WELLINGTON."

It was to Lord Stanley that Lord Lyndhurst, in common with the rest of his party, looked as the future leader of the Conservatives, and with him accordingly he entered into communication, and received his entire approval of the attempt on which he had entered. Lord Campbell states (p. 164), "Lord Stanley happened to be in the country, and knew nothing of it till it had blown up." The following letter to him from Lord Lyndhurst (8th of July, 1846) is conclusive evidence to the contrary—

"My dear Lord Stanley,—I wish I could have two minutes conversation with you before you leave town to-morrow. I have been endeavouring to bring the two parties together during the whole of this day, and I think with some prospect of success. If you will assist me, I have no doubt the object will be accomplished, and then we shall be truly formidable. I hope your dinner went off well to-day. Ever yours faithfully."

The desired meeting took place, and Lord Stanley was fully informed of what had been done. But he had to leave town, and it occurred to Lord

Lyndhurst that, as Lord George Bentinck was the head of the Protectionist party in the House of Commons, it would be right to open a communication with him. They were personally unacquainted; and a message was sent to Lord George Bentinck, through one of his friends, with this view. What this message was, and how it was received, is best shown by the words of the Memorandum (now before us) of what passed, furnished to Lord Lyndhurst at the time by the gentleman who carried it.

"I stated to Lord G. Bentinck that I came with a message from Lord Lyndhurst. The object of the message was to express his desire that the Conservative party, now unfortunately split up, should be reunited as speedily as possible, and to say that he would be happy to come into personal communication with Lord George with that view." To this Lord George answered, "that he was acting under Lord Stanley, and as both Lord Stanley and Lord Lyndhurst were in the House of Peers, he thought it better that all communication should pass between these Lords, as he was in cordial co-operation with Lord Stanley."

The tone of this reply was sufficient to satisfy Lord Lyndhurst that no co-operation was to be expected in that quarter.

"I then," he said in the speech already quoted, "dismissed the subject from my mind. I tried in two or three quarters to see if I could advance the object in view; but I found so much bitterness of feeling and personal hostility, that I abandoned it, and took no further steps. I made no concealment whatever; the whole matter was universally known; I even stated it to some noble Lords on the opposite side of the House. . . . What is the story built on this? It is, that I wanted to raise a factious opposition to the Sugar Bill. This I utterly deny. I took no part in the discussion on that Bill, and did not even vote."

This legitimate and open attempt to reunite the Conservative party is spoken of by Lord Campbell as an "intrigue" for what in the state of parties would have been the insane purpose of getting the Protectionists and Peelites to join in opposing the Sugar Duties Bill. He says also, that Lord George Bentinck, on receiving the proposal, "was thrown into a frenzy of passion. He immediately went down to the House of Commons and denounced it." It was on the 10th of July that Lord Lyndhurst's ambassador waited on Lord George. It was not till the 21st of August that Lord George mentioned the matter in the House of Commons. Nor would he then have done so, had he not found it convenient to drag the subject forward, when driven to the wall by the consequences of his own unseemly rashness in an attack upon the ex-Chancellor.

Only those who fancy they can divine motives will venture to say that Lord George was "driven to frenzy" by the fact that a man of Lyndhurst's great sagacity should have thought the interests of the Conservative party would be best served by making up their differences. But certainly for some reason he seems at the time to have been anxious to injure Lord Lyndhurst in the public estimation. With this view he brought, on the 18th of August, a charge against him of having been a party to what he called a "nefarious job," of a complicated kind. Stated as he put them, the facts were these. Sir Henry Roper, Chief Justice of Bombay, on the eve of the Peel Ministry going out of office, had been superseded, and Mr. David Pollock, one of the Chief Commissioners in London for the Relief of Insolvent Debtors, had been appointed in his stead, the appointment having been "pressed upon him by the Lord Chancellor." The motive invented by Lord George Bentinck for

this was to make a place for Mr. Phillips, the Commissioner of the Bankruptcy Court of Liverpool, in order that the vacancy thus created might be given to Mr. Perry, one of the Lord Chancellor's secretaries. Nor was this all. The appointment of the Chief Justice of India rested not with the Chancellor, but with the President of the Board of Control (Lord Ripon), and his consent to the transaction, Lord George Bentinck alleged, had been bought by the Chancellor appointing a nominee of Lord Ripon's to the living of Nocton.

The charge was advanced in the most unqualified and offensive terms. Levelled generally against the late government, it was mainly directed against Lord Lyndhurst. Mr. Disraeli knew Lord Lyndhurst too well not to be convinced that no charge of such a nature could be sustained against him, and, speaking after Lord George Bentinck, he said—

"No one intimately acquainted with that noble and learned Lord could suppose him influenced by selfish purposes. On the contrary, I believe there never has been a public man animated by more generous impulses. I remember that on one occasion the noble and learned Lord, expressing his opinions on the subject of patronage, said that during a long, and it might be added an illustrious career, he had been influenced by three considerations: the first, his duty to the public; the second, his duty to his party; and the third, his duty to his friends. I believe those were the principles which animated Lord Lyndhurst, and I am sure, if this question were investigated, the conduct of the noble and learned Lord would come out perfectly immaculate." (Hansard, vol. lxxxviii. 870.)

It would have been well for Lord George Bentinck, had he taken counsel with Mr. Disraeli before moving in the matter. He had succeeded

in rousing Lord Lyndhurst's anger, and two days afterwards it fell upon him in an exposition of the absolute groundlessness of every item of his charges, followed by a withering denunciation of his rashness, of a kind to which fortunately public men do not often expose themselves. Lord Lyndhurst proved, that he had nothing whatever to do with the appointment of either Mr. Pollock or Mr. Phillips—that, there being a vacancy, he had appointed in Mr. Perry a man thoroughly qualified to succeed Mr. Phillips—and he read his correspondence with Lord Ripon, which showed conclusively that the appointment to the living of Nocton was made upon local considerations only. This done, he proceeded—

"My Lords, I have now gone through and met every one of the charges preferred against me and my noble friend [Lord Ripon]; and I ask with confidence, whether there is any foundation whatever for any part of his accusations? I confess that, for my own part, I am at a loss to account for the course pursued by the noble Lord. I do not know to what principle I am to refer it. Does it accord with his sense of justice, that he should bring forward charges of this description, without requiring first some explanation from the parties against whom they are directed, or without giving notice of his intention to bring them forward? Is that the conduct of a discreet public man? My Lords, can any person justify such conduct? Perhaps the noble Lord thinks that everything is fair in party politics—that to blacken and traduce the character of political opponents, by means however base or foul, is perfectly justifiable. The noble Lord may perhaps have acted upon that principle, or perhaps from his early associations and his early habits he may have been led to form so low an opinion of the principles on which mankind act, as to suppose that every man in his transactions of life must be directed by some base, selfish, sordid motives. I cannot ascribe it to any other principle but one of those to which I have referred. It has been said, and well said, that

to be praised by a person who is the subject of praise adds tenfold to the value of the acknowledgment. The same principle will apply to calumny, and the best antidote to calumny will often be found in the character of the calumniator. I do not know, with respect to the noble Lord's slander, that it is, as the poet says, "sharp as the point of a sword," but if "his tongue does not outvenom all the worms of Nile," it is not from the want of will or inclination, but from the want of power. A distinguished writer has this allusion in reference to persons unjustly assailed: "the sting of the wasp may fester and inflame, though long after the venomous insect has left his life and sting in the wound." . . . Yes, my Lords, although refuted, these attacks are not harmless; they have a public effect, sometimes a lasting effect. Persons remember the attack—they do not always remember the defence." (Ibid. 903.)

As to the facts, Lord Lyndhurst had left Lord George Bentinck without an inch of ground to stand upon. So when the Protectionist champion came to speak next day in reply to what Lord Lyndhurst had said, he thought to strip the ex-Chancellor's invective of its force, by asking why, if he were the man to whom it had been imputed that there "was nothing too great for his malignity, or too small for the grasp of his rapacity," should Lord Lyndhurst on the 10th of July previous have sent a messenger to say that he was prepared to meet him? He then gave an account of what had taken place between Lord Lyndhurst's ambassador and himself, of which it is only necessary to say, that Lord Lyndhurst, the very next day, in his place in Parliament, founding on the Memorandum already quoted, denied its accuracy in every particular. The ambassador was no friend of his; he had not seen him in the business, and selected him solely because he was mentioned to him by his secretary

"as a gentleman of great respectability, and an intimate acquaintance of Lord George Bentinck." [1]

Nothing could have been more ill-advised than to attack Lord Lyndhurst on a question of patronage. In what Mr. Disraeli said of him in this respect every public man would have concurred. Not many months before (18th of May), Lord Brougham, in the debate on the Charitable Trusts Bill, had borne testimony, that "There never was a Minister, a Chancellor, or a member of the Executive Government, who, being a member of a government which effected great reforms, stood higher or more impregnable than my noble and learned friend on the ground of patronage." On the well-known principle that we may safely draw conclusions as to the character of a man from the way his friends write to him, the following characteristic letter to Lyndhurst from the Duke of Wellington is a pretty distinct indication how scrupulous in such matters he was known to be.

"London, December 17, 1844.

"My dear Lord Chancellor—I receive thousands of applications for the same favour as the enclosed. But I make it a rule never to trouble you with one of them. Everybody has, or claims a right to solicit me for everything! But I cannot become the Solicitor-General in favour of any; and bring upon others the disappointment of their expectations respectively! But this is a peculiar case. The Sir Alexander Gordon whom the lady mentions, a brother of Lord Aberdeen's,

[1] Lord Campbell gives the following ostensible quotation from Lord George's speech: "Sir, I will not say of Lord Lyndhurst as he has said of me, that his calumnies are coarse, or that his weapons are of the same description. I will not deny that his sarcasms are dressed in more classical language than mine; I admire the sharp edge and polish of his weapons. I admit that while I wield the broadsword and bayonet, he has skill to use the rapier, and uses it with the power of a giant. *But I am an honest man, and my past career will bear a scrutiny perhaps better than that of the meddling ex-Chancellor.*" It is painful to have to call attention to the fact, that neither the words in italics, nor any words of a similar import, appear in Hansard, or in the *Times* report.

was my aide-de-camp for many years, killed by my side in the battle of Waterloo, or rather received at my side in the battle the wound of which he died after his thigh was amputated. If not inconvenient to you I should be glad if this lady's husband could be provided for at the Mines; particularly if it should prove that he is as deserving of your notice as is stated. Believe me ever, yours most sincerely,

(Signed) "WELLINGTON."

Lord Lyndhurst was now well content to retire for a time from any active participation in the debates in the House of Lords. But he kept up intimate relations with the leading men of his party, ready, if occasion called him, to lend a helping hand in reuniting their broken ranks, and in maintaining a sound Conservative policy. On the 9th of December, 1846, we find Lord Stanley writing to him in terms which show what importance he attached to his assistance.

"Knowsley, December 10, 1846.

"Dear Lord Lyndhurst,—On the 14th of last month I sent you, by Brougham's desire, a letter from him with a request that you would return it. I have not heard from you since, and am ignorant whether it may have reached you. I now send you a second from the same source, which, considering that he is in London, appears to me rather a circuitous mode of carrying on his correspondence. However, I obey his orders.

"I believe Parliament will certainly meet on the 19th of January, when I hope that we shall meet in London, and that, notwithstanding the breach made in the Conservative party by the events of last year, and all that took place latterly, personally unpleasant to yourself, we may be able to act cordially together and co-operate in maintaining a defensive and Conservative policy, watching, but not unnecessarily assailing the Government, and seeking to reunite the scattered fragments of the great Conservative party. This is the object at which I intend to aim as far as I can exercise any influence. I cannot of course answer for all; but I trust that in our House, at least, the difficulties will be

comparatively small. Your co-operation would infinitely reduce them. Believe me, dear Lord Lyndhurst, yours sincerely,

„(Signed) "STANLEY."

Here is Lord Lyndhurst's reply from Turville (16th December)—

"My dear Stanley,—Many thanks for your letters and the pothooks and hangers which they enclosed. You may ascribe the delay in answering them to the time necessarily employed in attempting to decipher these documents. Brougham is a proficient in many arts and sciences, but in these he has competitors. In the mystery of unintelligible writing he stands unrivalled and alone.

"I have pretty well recovered from the bilious attack with which I was visited at the close of the last session, but the foolery of —— had nearly brought on a relapse. I shall be up at the meeting of Parliament.

"If Ireland was Peel's difficulty, what is it to Lord John? Never was there such a mess. But how can Ministers justify month after month spending such large sums of the public money without calling Parliament together to sanction it?

"As to the Spanish Marriage it is all nonsense. I think with you that the Treaty of Utrecht has nothing to do with it.[1] But I cannot help suspecting a little trickery to get out of the understanding as arranged at d'Eu."

Retribution for their conduct on Peel's Irish Coercion Bill had by this time overtaken the Whigs. The increase of crime and lawless outrages, which that measure would certainly have checked, had now become so formidable as to demand a stringent remedy in the shape of the renewal of the Irish Arms Act. So closely pressed, however, was Lord John Russell by many of his supporters, who turned against

[1] Lord Palmerston, after the marriage of the Duke of Montpensier with the sister of the Queen of Spain, set up the Treaty of Utrecht as excluding the Princes of the House of Orleans from the Spanish throne. Lord Lyndhurst, in common with the most experienced jurists, obviously held that this was putting a strain upon the language of the treaty which it would not bear.

him the arguments which he had used to defeat Sir Robert Peel's Bill, that he had to withdraw his own Bill after it had passed the second reading. The weakness of this indecision, which has found a parallel in more recent times, resulted, as it was sure to do, in an increase of the evil, and in the necessity for sterner measures of repression. Accordingly in November 1847, when Ireland had been brought practically to a state of civil war, and when, to use Lord Stanley's words, it was "an admitted fact that it was safer in that island to violate than to obey the law," the Government were compelled to introduce a Coercion Bill of their own. Meanwhile famine was spreading through the land, and the Ministry which had rejected a statesmanlike proposal of Lord George Bentinck's in the previous session to give employment to the people in the construction of arterial lines of railway, which were greatly needed, had spent profuse sums of money in the making of roads and bridges, which were not wanted at all. It is to these circumstances that Lord Lyndhurst alludes in the letter just quoted.

During the next two years he spent much of his time at Turville Park, where he found pleasant occupation in looking after his farm, and in cultivating his garden, in which he took great delight. He also expended a good deal of money in laying out and improving the roads in the parish, making among other things a new road to the parish church, which was much wanted. For what he did in this way, as well as for his general kindness, the people of the district still speak of him warmly.

The Revolutionary Epoch of 1848 lulled for a time the strife of parties, both sides being equally interested in steering England tranquilly through that time of trouble, and in putting down the rebellious

designs of the Young Ireland party, which were only prevented from proving serious to the peace of England, as well as of Ireland,—how serious has never yet been told—by the firm action of the Government through Lord Clarendon as their Lord Lieutenant. At this time, too, Lord Lyndhurst resumed with great interest his favourite studies in mathematics as well as in literature. No new book of value was left unread. Of the statement of Lord Campbell that "his reading did not extend beyond the volumes supplied by a circulating library," it is enough to say that it is directly contrary to the fact.

The house of such a man was sure to be the resort of all that was best and brightest in London society. He was catholic in his tastes. Artists, authors, and men of science were as welcome there as politicians or members of the diplomatic body, or as beautiful and gifted women. All were charmed by his bright, genial, playful manner, and his special faculty for putting other people at their ease in his society. There was one man who had no opportunity of judging what he was in the social circle that used to gather round him, either at Turville or in his house in George Street. This was Lord Campbell, who was never admitted to it; and yet he has not scrupled to say, borrowing the idea from a speech of Sir Peter Teazle in 'The School for Scandal,'[1] that in visiting it "it was expedient to go late and stay the last; for I observed the practice to be that each visitor, on departing, furnished a subject of satirical remark for the master of the house and those who remained" (p. 168). In another place (p. 209) he says, that Lyndhurst's "grand resource in conversation was to abuse or to

[1] Act ii. sc. 3: "Your Ladyship [Lady Sneerwell] must excuse me. I am called away by particular business, but I leave my character behind me."

ridicule the absent. . . . He was accustomed when conversing with political opponents to abuse and laugh at his own colleagues and associates, and above all to abuse and laugh at the rivals of those whom he was addressing." Men of this peculiar baseness are speedily found out, and are left without friends. But it was well known in Lord Lyndhurst's own circle that, as he never dropped an old friend, whatever his circumstances or station in life, so he never lost one. He was liked and admired for himself by many men with whom he had fought stout battles, and few could number as attached friends more men of the most varied turn of mind and character. Our own inquiries enable us to confirm what was said by Mr. Hayward in commenting on this charge of Lord Campbell's in the 'Quarterly Review' (No. 251).

"We have consulted every surviving friend of his that we could discover, and they are unanimous in denouncing these charges of backbiting and social treachery as utterly groundless. He was never driven to what was termed his 'grand resource;' for it was by variety, fecundity and playfulness, that he charmed. He had humour if not wit."

Of this Mr. Hayward gives a pleasant illustration. At a dinner at his chambers, where, besides Lord Lyndhurst, James Smith, Theodore Hook, and Mrs. Norton were present, Mr. Hayward invented the remark, by way of illustrating Madame de Genlis's prudery, that she kept her books in detached cases, the male authors in one, and the female authors in another. "I suppose," said Lyndhurst, "she did not wish to add to her library."

Lord Lyndhurst had at this time a strong reason for avoiding public life as much as possible. The blindness which had been for some time growing upon him had

increased so much that through the greater part of 1849 he could neither read nor write. His thoughts under these circumstances were little likely to be occupied with the project imputed to him by Lord Campbell (p. 169), of annoying the Government, and getting himself enrolled in the ranks of the Protectionists for the purpose. Lord Stanley, we have seen, had from the first appealed to him for assistance, and of that assistance he had been assured. But with such a calamity impending over him Lord Lyndhurst could have had little hope of being in the future of active service to his party. It was certainly as much a surprise to his friends as to the Opposition, when he appeared, on the 19th of June, 1849, in the House of Lords, to which he had long been a stranger, and rose to speak in support of a motion by Lord Brougham,[1] to effect the suspension of the royal assent to an Act passed by the Canadian Legislature, under which he contended that persons who had aided and abetted the rebellion in Canada in 1837 and 1838 might receive compensation for losses sustained by them in consequence of the measures used to suppress it. The question was an important one, because only an extreme necessity could have justified the Home Government in applying its power of veto to an Act of the local legislature. But the case surely fell within that description, if the language of the Act were such, that men who had raised the standard of rebellion could under it insist on compensation for the losses created by their own rebellious acts. That it had this effect was contended by Lord Brougham, who was answered by Earl Grey in a long but by no means convincing speech. When he sat down, Lord Lyndhurst with much difficulty

[1] Not Lord Stanley, as stated by Lord Campbell, to help out his theory of Lyndhurst being a "new recruit to the Protectionists."

rose from his seat. His look showed how seriously his eyes were affected, and a deathlike stillness reigned throughout the crowded assembly, as in deep, grave, sonorous tones, he began thus—

"I have not been in the habit, for many years, of addressing your Lordships; but bearing in mind the relation in which I have been placed to the Crown and to your Lordships, when I held office at different times, I feel imperatively called upon by a sense of my duty to your Lordships, and of my duty to the Crown, to express my opinion on the subject of this debate, and my entire disapprobation of the measure to which the noble and learned Lord has called your Lordships' attention." [1]

He then proceeded to state the grounds upon which he had arrived at this conclusion, and to meet the arguments advanced by Lord Grey with his wonted skill in statement, and the same logical force by which he had in former days riveted the attention of the House. The speech, although it occupied nearly an hour, seemed to his audience only too short, and as they looked at the face marked with the lines of suffering, and the figure, "majestic, though in ruin," which seemed to make his words prophetic, it was with a pang that they heard him, while expressing his regret at having, contrary to his ordinary practice, had occasion to address their Lordships, add in earnest tones, "and perhaps it is the last time I shall ever do so."

Words more inapplicable cannot be imagined than those applied by Lord Campbell to this speech, of which he says it was "the most factious, the most

[1] This is what he actually said, as we can vouch from having heard the speech. What he did not say is what Lord Campbell (pp. 169–70) represents him to have said. Strange that even he did not see the absurdity of putting such verbiage into Lord Lyndhurst's mouth upon a question of this kind as "I could not descend to the tomb with peace of mind if I did not make a dying effort to save my country!"

democratical, and the most sophistical," he ever heard in Parliament. Although he was rash enough to rise to speak immediately after Lord Lyndhurst, he did not venture to charge it with any one of these qualities. Its argument he was unable to displace; but he opened his speech with a series of offensive personalities, recurring to the old accusation about Lord Lyndhurst having been once an extreme Radical. He was going on to impute motives to the ex-Chancellor, when he was stopped by indignant cries of "order." He then charged Lord Lyndhurst with refusing to deal with Lower Canada differently from Upper Canada, coupling the imputation with the suggestion that he did so, because its population was mainly French, and "aliens in blood, and language, and religion." The House listened with impatience, and the rest of the speech was all but drowned in a buzz of conversation.[1]

Lord Campbell was not allowed to escape without hearing from Lord Stanley what was thought of this unprovoked display of personal rancour. The "Rupert of Debate" elicited the cheers of the House when he said—

"My Lords, I can very easily give credit to the observations with which the noble and learned Lord who has just sat down commenced his remarks, namely, that he listened to the speech of my noble and learned friend behind me with great pain. But I must say for myself—and I think I can answer for the rest of the House, not excepting even noble

[1] "Who is that man speaking now?" a lady standing near us asked Lord Brougham, who had come down to the bar, and was conversing with her. The answer was not complimentary to Campbell, for it was in the spirit, and as nearly as possible in the words, of Beatrice to Benedick: "I wonder that you will still be talking; nobody marks you." What Brougham said was of a piece with a passage in one of his letters published in the Macvey Napier Correspondence: "Edinburgh is now celebrated for having given us the two most perfect bores that have ever yet been known in London, for Jack Campbell in the House of Lords is just what Tom Macaulay is in private society."

Lords on the other side—that we listened to that able, lucid and powerful speech with a feeling of anything but pain. I think we must all have listened with a feeling of admiration at the power of language, the undiminished clearness of intellect, the conciseness and force with which my noble and learned friend grappled with the argument before him. But while, on the one hand, we see that age has in no degree impaired the vigour of his intellect, we can, on the other, only feel regret at the announcement he has made of so suddenly ceasing to occupy the attention of the House. I should have thought that if there was one feeling which it would be impossible for any man to entertain, after hearing that speech, it was a feeling akin to that exhibited by the noble and learned Lord [Campbell], when he attempted to answer that speech by an unworthy taunt. I should have thought that my noble and learned friend's high position and long experience, his high character, his eminent and distinguished abilities, would have secured him, in the honoured decline of his years, from any such unworthy taunts as the noble and learned Lord has not thought it beneath him on such an occasion to address to such a man. If the noble and learned Lord listened with pain to the able statement of my noble and learned friend, sure I am that there is no friend of the noble and learned Lord who must not have listened with deeper pain to what he has addressed to the House."

Lord Campbell admits (p. 170) that he himself spoke "with considerable intemperance," but all grace is taken from the admission by the epithets which he applies in cold blood to Lord Lyndhurst's speech, and by the fact that his statement of its contents is in absolute discordance with the speech itself, while he quotes ostensibly from his own speech a passage which not only he did not speak, but which bears no resemblance to what he did say, except in the quotation of a very stale French couplet.

It was two o'clock in the morning before a division was taken. Lord Lyndhurst remained to the last, and

the resolution he had supported was only lost by a majority of three.

How highly even Lord Lyndhurst's political adversaries thought of what Campbell calls "the most factious, most democratic, and most sophistical" of speeches, may be judged by the following letters from the Duke of Sutherland and the Earl of Ellesmere—

"June 20, 1849.

"My dear Lord Lyndhurst,—Though incapacitated by deafness from attending in Parliament, I cannot refrain from expressing my feeling of admiration at your speech of yesterday, after reading it. I must do so for my own satisfaction. Ever, my dear Lord, very faithfully yours,

(Signed) "SUTHERLAND."

"18 Belgrave Square, June 21, 1849.

"My dear Lord,—Will you excuse a silent member of the majority against you expressing his extreme admiration of your speech on the Canada Question? It is difficult for bystanders to believe that such performances give you any trouble or exertion, and they can hardly help hoping you will repeat them. Your very humble servant,

(Signed) "EGERTON ELLESMERE." [1]

[1] Anxious to give colour to the view that he was on terms of social intimacy with Lord Lyndhurst, Lord Campbell states ('Lyndhurst's Life,' p. 171), that after he was appointed Chief Justice in 1850, Lord Lyndhurst invited him to dinner, and desiring him to fill a bumper of still champagne, said to him: "Here, Campbell, in this loving cup let me drown for ever all our animosities." A letter of Lord Campbell's to his brother (17th November, 1850), printed in his 'Life,' vol. ii. p. 284, shows that the dinner referred to was not at Lyndhurst's house, but was one given by Justice Patteson, to celebrate his entry into the twenty-first year of his judgeship. "We had a very jolly day," writes Campbell, "Lyndhurst himself being present with six other judges whom he had made, and all excellent ones. I told him that his appointment of good judges would cover a multitude of sins. He said he had some thoughts of dying a Whig, that I might deal mercifully with him; and, asking me to drink wine with him, he declared that all enmities between us down to that moment were to be considered as buried and forgotten in the champagne." Campbell was one of the Scotchmen, of whom Sydney Smith's saying about their impenetrability to a joke was true. He never could understand the subacid irony of the fun of which Lord Lyndhurst delighted in making him the subject. Lyndhurst die a Whig! With true Liberals he had many points of sympathy; but, writing to a friend in 1855, he says: "Whiggery (a real and selfish aristocracy, under the pretence of liberty) is an impudent fraud."

Lord Lyndhurst did not again take part in the debates of the House of Lords till 1851. The reason was the state of his eyes. "My brother," Miss Copley writes (19th February, 1850) to Mrs. Greene, "has been afflicted during the last seven months with a gradual decay of sight, and we are hoping that he will be ready for an operation before the season will be too far advanced, as we are told that it must be performed before the end of May, or not until the autumn." On the 15th of April, 1850, she writes, "He bears his deprivation with patience, looking forward to a speedy cure. . . . For the last two months he could not even walk without some one to take care of him, and now he is perfectly helpless." By the 21st of June she was able to write to Mrs. Greene, that the cataract had been successfully removed, and that they were looking forward to the time when their brother would see as well as ever he did. A month later he was able to relieve Mrs. Greene's anxiety by the following letter to her from himself:

"George Street, July 29, 1850.

"My dearest Sister,—I write you a few lines upon a subject which I know deeply interests you—the state of my sight. It is six weeks since the cataract was extracted, and you will be most happy to learn that the result has been in the highest degree favourable for all the ordinary purposes of life. The sight is sufficient, and when I am allowed to use glasses, for which I must wait a few weeks longer, I shall see as perfectly as at any former period of my life. I feel very grateful to the operator, Mr. Dalrymple, who has effected this result, without causing any pain or suffering, and with very little inconvenience.

"My friends here, who were indefatigable in their attention to me during my blindness (with the exception only of my wife), are, as you may suppose, delighted with the result. Georgie writes this. I mean the elder Georgie, [Lady Lyndhurst], and complacently inserted the above parenthesis. We are

just upon the break up, at the close of the season, and shall be at Turville in a few days. Sarah and her husband [Mr. and Mrs. Selwin] are wandering upon the Rhine, enjoying themselves greatly. Georgie has got a new pony, and is very happy. Aunty and Sophy are perfectly well. Pray remember me kindly to Copley Greene, to Sarah, and to all our kind friends, whom I would mention by name only that the line would last out to the 'crack of doom.'

"Ever, my dear, dearest sister, your affectionate brother,
(Signed) "LYNDHURST."

The affection of those about him led them to be "eyes to the blind," and so sweetly and patiently was his privation borne, that they did not even weary over the reading to him of the Law Reports and the Blue-Books, in which he felt an interest. The enforced rest at this advanced period of his life was probably of great advantage to his general health, especially as he accepted his condition with a cheerful spirit, and looked, as was his habit, on the brighter side of things. In the following letters from Miss Copley and himself a glimpse is given of his home habits.

"Turville Park, October 3, 1850.

"We are all settled down quietly here in our old occupations and habits. My brother is engaged and amused with his farm; he reads as long as the daylight lasts; from that time till dinner Sophy [his second daughter] and I read to him; in the evening, which does not begin till near nine o'clock, we talk, play at backgammon, and our old game of whist, which has been discontinued for a year.

"His health is as good as it ever was, but we are both, of course, growing older every day, as we must expect to do."

"My dearest Sister,—I write a line at the foot of Aunty's, because I am sure it will give you great pleasure to receive it, as the best proof of the success of the operation which has restored to me the blessing of sight, the full value

of which those only can justly appreciate who have had the misfortune to be deprived of it.

"I only wish I had the opportunity of using it to recall the features of my dear sister, whose destiny, though happy, has had to me one dark shade, occasioned by the distance which has so long separated us from each other. God bless you.

(Signed) "LYNDHURST."

Rest, country air, and careful nursing, had their wonted effects upon a constitution still sound at the core, and when Lord Lyndhurst reappeared in Parliament in the session of 1851, his sight was no longer dimmed, "neither was his natural strength abated." He spoke with all his wonted energy, and seemed indeed to have advanced from strength to strength in point of intellectual power.

CHAPTER XVIII.

Lord Lyndhurst's great reputation—Refuses again to take office in 1852—Threatened with loss of sight—Speaks on Baron de Bode's Case—Couched for cataract—Speaks on Oaths Bill—Active for Legal Reform—Opposition to Russian encroachments on Turkey—Visits Paris in 1855—Opposition to Life Peerages—Amendment of Law of Divorce.

Lord Lyndhurst, now verging on his eightieth year, might well look back with gratitude and satisfaction upon his already long life. He had been singularly fortunate in the home in which he had been reared: a home brightened in a rare degree by intellect, refinement, and affection, where the struggles with the embarrassments of scanty means had only served to bind its members more closely to each other. Blest, too, he had been, in the gift of a strong head and a warm heart, and in the necessity to work which forced him to cultivate his powers to their highest point—blest in the opportunities to show the greatness of those powers, and in the success which rarely fails to wait on him who can seize and turn his opportunities to account—blest in having attained on three successive occasions the highest prize of a great lawyer's ambition—blest above all in having worn his honours worthily, and so discharged the duties attached to them that he alone may be said to have viewed his laying of them down without regret. Moreover, he had been exceptionally happy, in that no failure of health or strength had at any time impaired his powers, unnerved his self-reliance, or caused that waste of time and energy which is the saddest of regrets

LORD LYNDHURST.

ÆTAT 89.

Engraved by Edward Whymper. *From a Photograph by Mayall.*

to active and aspiring spirits. In his married home, too, he was happy, as his loving, considerate, cheerful nature deserved to be, cherished by those he loved, and who loved him in return. Age, with its physical changes, had left his spirit untouched. When Lord Brougham, in the House of Lords (25th of July, 1859), said of Lord Lyndhurst and himself that they were sufferers from the imputation of old age, "I do not admit that I am a sufferer," broke in the ex-Chancellor. He was then seventy-seven, but he was right. The true Lyndhurst, the soul that made him what he was, was still young and fresh and elastic. To the last he was playful as a boy. Wordsworth's "wise cheerfulness" was his in a remarkable degree. His playfulness was never indulged at the sacrifice of personal dignity; and in him his friends saw a fine appreciation of La Bruyère's aphorism—"Celui qui n'a jamais ses heures de folie est moins sage qu'il ne pense."

In reading the debates of the next ten years, one cannot fail to be struck by the tributes of admiration paid "to the old man eloquent" by his political contemporaries. Thus for example, the Duke of Newcastle, speaking in the House of Lords on the Ecclesiastical Titles Bill (22nd of July, 1851), while expressing his regret at the grounds on which Lord Lyndhurst had the same evening vindicated his support of that measure, says that this regret was deepened by "the attachment he felt to him, the admiration with which he had ever looked up to him, the reverence he might almost say he entertained for him, the respect with which he regarded his position in that House." Pages might be filled with similar expressions by other no less distinguished men, growing in warmth as the years went on, and Lyndhurst's splendid powers of mind were brought into higher relief by the external signs of an

almost patriarchal age. To win his approbation was not less the pride and ambition of men of high position. Thus Lord Ellesmere, writing (17th of June, 1852) to Lady Lyndhurst, who had told him that Lord Lyndhurst thought highly of a speech he had made, says, "his approbation is in my estimation worth that of the rest of the three estates of the realm put together. He is an audience in himself, and a full compensation for a thin House and exhausted majorities."

By the beginning of 1851, Lord Lyndhurst's health enabled him to be frequently in his place in the House of Lords, a watchful spectator of all that was going on. He gave great attention to the measures of legal reform, of which he now became a most vigilant and active promoter. The Chancellor (Lord Truro) was in no way fit to cope with such a rival, and being by no means a zealous advocate for legal change, he was frequently embarrassed by the questions and remonstrances of Lord Brougham as well as of Lord Lyndhurst. But there is not a shadow of foundation for Lord Campbell's statement ('Lyndhurst's Life,' p. 173), that they had formed a "combination to drive him from the woolsack." On the contrary, Lord Lyndhurst and he were always on the best terms, and in the House of Lords (30th of June, 1852) Lord Lyndhurst went out of his way to say, "that there was not a person of more integrity, honour, and steady perseverance" than Lord Truro. But if his Bills were bad, friendship for their author would not weigh with Lord Lyndhurst against public duty; and early in the session he strangled in its birth a Bill of his for Chancery Reform, which had been ordered to be brought in the Lower House, by a speech which, irregular as it was, inas-

much as it dealt with a measure that was not before their Lordships, was welcomed on all hands as stopping the further progress of a scheme on which discussion would have been thrown away. He argued that a Bill dealing with questions of appellate jurisdiction might much more fitly be first brought forward in the House of Lords, and made a good point against the Government, in suggesting a reason why the Bill had been launched in the Lower House.

"One of its enactments," he said, "was to transfer by a kind of sleight-of-hand movement all the patronage of his noble and learned friend on the woolsack into the lap of the First Lord of the Treasury, already sufficiently laden with patronage of this description. The noble Lord at the head of the Government had of late been worsted in contests with his foes, and he now trenched upon his friends, and sought to signalise his doings by the plunder of his colleague.

'So much 'tis safer through the camp to go,
And rob a subject than despoil a foe.'

"The noble Lord [Russell] had taken the Bill under his own care, because he could not call upon the Lord Chancellor to commit so suicidal an act."

Lord Lyndhurst had little difficulty in dealing with the reason which had been put forward for an act of spoliation naturally abhorrent to an ex-Chancellor.

"Did their Lordships suppose that when the Great Seal was held by Lord Hardwicke, by Lord Thurlow, by Lord Eldon, that any attempt of this kind would have been made, or that his noble and learned friend near him [Lord Brougham] would have stood still like a caged bird while such an invasion was made on the privileges of his office? . . . He felt sure his noble and learned friend on the woolsack would not submit to such a degradation. He knew no one more unselfish, more indifferent to personal interests; but let his noble and learned friend recollect that he ought to regard the question in the light that he was merely a trustee for his successors—that as

he had received this high office, with all its dignities, patronage and emoluments, he ought to transmit it unimpaired to those who were to follow him." "

As the Bill went no further, the patronage of the Chancellor, which Lord Lyndhurst was well known to have personally regarded as an irksome burden, remained undisturbed.

The defeat of Lord John Russell, at which Lord Lyndhurst glanced, was the adverse division, about a month before, on Mr. Locke King's motion to assimilate the County to the Borough Franchise, which, coming after other mishaps, had led to Lord John's temporary resignation, followed by an ineffectual attempt by Lord Derby to form a Ministry, and the recall of the Russell Ministry to office. Lord Derby had been met on the threshold by so many difficulties, that he had no occasion to approach Lord Lyndhurst on the subject. But seeing, from indications not to be mistaken, that the life of the Russell Ministry, though prolonged for the time, must soon come to an end, and that a fresh appeal to form a Conservative Administration was sure to be made to himself before very long, Lord Derby addressed himself earnestly to the task of ascertaining on whom in that event he could rely to join him. Wishing to secure Lord Lyndhurst, but too considerate to approach him on the subject, until he had ascertained whether consent might imperil his health, Lord Derby wrote (5th of May, 1851) to Lady Lyndhurst a letter in which he said—

"The fact is, that I wish to make my views of what is for the public interest in some degree subordinate to my feelings of real private friendship, and I am, therefore, unwilling to make a proposition to Lord Lyndhurst, which a sense of public duty might lead him to accept, without ascertaining from you

that he might do so without injury to his health or comfort. I cannot believe, from what I see, that the Government can survive the present session; and the event of last Friday confirms me in the belief that their end is fast approaching Whenever they fall, I must, at all hazards, undertake the formation of a Government; and I am now prepared, if necessary, to do that which two months ago I was not in a condition to undertake.

"But your lord's co-operation, given officially, even if it were but for a short period, would very much strengthen my position; and my object in writing to you is to ascertain whether you would give your consent, if I can obtain his, to his taking a seat in any Cabinet which I may be called upon to form, with high station, but involving no very heavy amount of labour. I could not, of course, think of asking him to resume for the fourth time his laborious duties as head of the Bar; but his counsels would be very useful to me in the Cabinet, and his strength would not be unduly taxed by the acceptance of the office of President of the Council, the main and only real duties of which consist in superintending the proceedings of the Committee of Council on Education. If he were willing to undertake the duties of this office, which to him would be play, my Cabinet would be complete, with a cast of parts which I think would satisfy him; and I should be prepared to submit a programme to the Queen within six hours of my being again called upon. . . . You see that I write as if I were already Minister, but perhaps with an absence of ministerial reserve, which I am afraid I should take some time to learn. I trust, however, that I may rely on your entire secrecy as to this communication, though I leave you at liberty to name it to Lord Lyndhurst, should you think that he might safely accept the task which I propose to place upon him. I need not say that it is only the consideration of his health, as it might be affected by office, which induces me to write on the subject to you, rather than to himself."

Lady Lyndhurst disliked the idea; and thinking that in any case it would be time enough to deal with the question of office when it actually arose, the matter was left in abeyance.

Lord John Russell's Ministry survived the session, but it fell early in the following session, after being defeated on the Militia Bill upon an Opposition headed by Lord Palmerston. Such was the state of parties, that for the moment no government but one composed of Protectionists was possible. Lord Stanley (now Lord Derby) undertook (22nd February, 1852) to form a Ministry, and at once appealed to Lord Lyndhurst to enter his Cabinet. "I have undertaken the task," he wrote to him the same day, "but it is heavy work. You would greatly aid my Cabinet by consenting to become a member of it. Even if your eyes did not allow you to undertake the duties of President of the Council, the Privy Seal would involve no labour or expense, and I should be happy to recommend Her Majesty to add an earldom to it." This was his answer, the answer of the man, to whom in 1851, according to Lord Campbell, was "imputed the design of forming a party of his own, and himself becoming Prime Minister."

"Dear Lord Derby,—I would not refuse your flattering offer without due consideration, so I have slept upon it. I will act in concert with your Government as far as my strength will permit. But you must allow me to decline office, for, to tell you frankly, I cannot afford to accept it. I sincerely wish you every success. Believe me, dear Lord Derby, yours very faithfully."

The same night Lord Derby reiterated his request.

"February, 23, at night.

"Dear Lord Lyndhurst,—We are fairly launched. Sugden all right on Chancery Reform; but we *must* have you in the Cabinet, even *without* an office—but with an earldom, which I am authorised to offer you as the accompaniment. Yours sincerely."

Lord Lyndhurst, however, was not to be moved from his resolution. To the fatigue of the office offered to him he was quite equal. But he knew well, that, besides the fees of the title,—a sum not unimportant to a man of his limited means,—the expense of living to a Cabinet Minister with a higher title than before would run beyond his income. Besides, he had tasted the sweets of freedom. Much as he loved his party, he loved his country more; and at his years he might well claim for himself the liberty to speak unfettered by the ties of party. He was now, moreover, fast losing his sight once more, and had again become dependent for his study of documents, Blue-Books, Law Reports, and Acts of Parliament upon the eyes of his family. All around him seem to have vied in making his misfortune as light to him as possible. "My brother," Miss Copley writes (14th of April, 1852) to Mrs. Greene, "is quite overcome by the kindness of his friends, from whom he had no right to expect so much. He has made up his mind to have the other eye operated upon, and I pray that it may prove successful, for it is a sad privation that he cannot read or write." On the 4th of May Miss Copley again writes, "My brother is better than I have known him for a long time. He attends Parliament regularly, and hopes to do the work there. If he could but use his eyes, what a blessing it would be!"

Notwithstanding the disadvantage he laboured under at this time of being unable to read for himself, he showed throughout this session a familiarity with the details of all the questions on which he addressed the House—and they were very numerous, and chiefly on questions on legal reform—which spoke volumes for his industry and marvellous memory. But he even surpassed himself in moving

for a select Committee (11th of June) to consider the claims of Baron de Bode for compensation out of the funds paid by France to the English Government, under the treaty of 1815, for losses sustained by the Baron's father—a British subject—through the confiscation of his estates in Alsace. The claim, from lapse of time and other causes, was a very hopeless one, and Lord Lyndhurst, while convinced of its justice, had most reluctantly agreed to bring it forward, telling Baron de Bode at the same time that he did not believe there was the least chance of his getting anything, as the money received from France had all been spent. In a pliant hour, however, he had promised to do what he could for the claimant, and, crippled though he was for the investigation of a case of unusual complexity, he performed his task in a way that created surprise even in those who knew him best. He was now eighty, almost blind, and compelled while he spoke to support himself by leaning upon a stick.[1]

"His voice," says Lord Campbell, "was strong, articulate, and musical, his arrangement lucid, his reasoning ingenious and plausible, and he displayed a power of memory which at any age would have appeared almost miraculous. He had to narrate very complicated proceedings, extending over a very long period of time, and to specify numerous dates and sums of money forming items in voluminous accounts, and the names of many foreign places and persons—yet in a speech of two hours he never was at fault, he never hesitated, he never looked at a note, and he never made a mistake. This was the most wonderful effort of a public speaker I ever witnessed."

Lord Campbell adds that the speaker had a very bad case. Lawyers as able as he took a very different

[1] In future years a low rail was fixed to the bench in front of Lord Lyndhurst's usual seat in the House of Lords, upon which he was able to lean for support while speaking.

view, among others the former Whig Chancellor, Lord Truro. So, too, did the Committee to whom the House of Lords remitted its consideration. On every point they reported unanimously in Baron de Bode's favour. But when in the following session (1st August, 1853) Lord Lyndhurst, in a speech of equal ability to the first, endeavoured to persuade the Aberdeen Government, who were now in power, to act upon the Committee's report, he was unsuccessful. The money, out of which the Baron might have been paid part of his claim at least, had been spent, and the all-powerful voice of a recalcitrant Treasury drowned every other consideration.

Among the few letters from public men preserved by Lord Lyndhurst is one at this period from Sir James Graham, interesting both for the opinion it expresses of the ex-Chancellor's character, and as soliciting his good word to obtain a peerage for Baron Parke, over whom the question of the legality of Life Peerages was to be fought three years afterwards, with Lord Lyndhurst at the head of the opposition.

"June 13, 1852.

"My dear Lord Lyndhurst,—Before Lord Cranworth was raised to his peerage, I heard there was a question of promoting Baron Parke also; but he was weighed in the balance, and found wanting in Whiggery, and was passed over. I very much regretted this, for I thought that Parke had earned some repose; that we had disappointed him when we put Pollock over his head; and that he would have been useful as an Appellate Judge both in the House of Peers and in the Privy Council. I never spoke to Lord John Russell on the subject; indeed during his reign I never approached either him or his colleagues. Much less can I now interfere on such a subject with Lord Derby. There may be insuperable objections to the creation of any new peers; but Baron Parke has no son; and his elevation would be no permanent addition to the

Peerage; and this is the only reward that could be bestowed on a faithful and meritorious judge, who has now grown old in the service, and who has been disappointed more than once. You are always considerate and kind in these matters. Parke has long served under you; and if you could give him a helping hand, he would be grateful. His feelings and inclinations would lead him to the support of the present Government. I am, my dear Lord, yours very faithfully."

Lord Lyndhurst shared to the full Sir James Graham's high opinion of the deserts of Baron Parke. But during the short and troubled life of the Derby Administration, which terminated in the December of this year, it was not possible to secure attention to his claims, and Sir James Graham as a member of the new Ministry, was himself in an excellent position to press them upon the consideration of the Premier, Lord Aberdeen.

In July 1852 the operation for cataract was performed by Mr. Bowman, the eminent oculist, with success, and Lord Lyndhurst was removed to Turville Park, from which Miss Copley writes (12th August) to Mrs. Greene—

"We are just established here, and all well. My brother's eye is quite restored, but he is to be *very* careful. He is still kept in a dark room, and is not to use glasses for three months, and not to read for six. It will be a great blessing when he can help himself again. He has borne his privation with great patience, and now that we know it is to end, we do not mind the present inconvenience."

By October Miss Copley was able to assure Mrs. Greene that their hopes about her brother's sight were fully confirmed; "he is allowed to read occasionally, for a quarter of an hour, and in six months, Mr. Bowman tells him, he may do as he pleases."

Lord Lyndhurst had felt deeply the death of his

old friend and chief, the Duke of Wellington, the month before (16th September). Had his strength permitted, he would not have failed to be present when "the good grey head" was laid to rest in St. Paul's; but this was not to be.

"Yesterday," Miss Copley writes (19th November) to Mrs. Greene, "we had the solemn scene of the Duke's funeral. Lady Lyndhurst and the two girls went to see the procession It was very imposing and solemn. My brother and I stayed at home. It was too fatiguing and exciting for us old people."

The session of 1853 found him in his wonted place in the House of Lords. A fit of the gout—his first—had relieved his system, and with the recovery of his sight all his vivacity and energy had returned. "In fact," writes Miss Copley (7th July), "if it were not for his lameness, he would be quite a young man." He gave proof of this in a speech on the 31st of May, in which he made his first public effort to obtain the admission of Jews into Parliament. Here he was in direct opposition to his friend Lord Derby, who had hitherto frustrated by large majorities every attempt in the same direction. The measure which Lord Lyndhurst proposed was not immediately directed to this object, although probably, had it gone down to the Commons, it would have effected it. It proposed to consolidate the existing oaths of allegiance, abjuration, and supremacy into one short oath, which might be taken by all loyal subjects. From this he proposed to omit the renunciation,—by this time become an absurdity,—of all allegiance to the descendants of James II., but to retain the words "on the true faith of a Christian." These he retained, he said, against his own conviction, and solely because he knew that, if they were excluded, his Bill had no chance of passing the House

of Lords. As usual, he brought before the House, in the fewest and clearest words, the whole history of these oaths, winding up with a demonstration that the words "without mental reservation and on the true faith of a Christian," had originally been inserted, not for the purpose of excluding Jews from Parliament, but to prevent Roman Catholics from taking the oath under certain mental reserves, which, according to some of their teachers, would save them from being bound by it. It was thus that he concluded—

"It is the mainspring of our glorious Constitution that no British subject—no natural-born subject of the Queen—ought to be deprived of the rights enjoyed by his fellow-subjects, unless he has committed some crime, or unless he is excluded by some positive enactment of the Legislature directed against him or against the class to which he belongs. None can be rightfully excluded unless by the concurrent voice of the two Houses of Parliament and with the assent of the Crown. If you exclude them by the casual operation of a clause which was never directed against them or the class to which they belong, you unjustly deprive them of their birthright. I say then, my Lords, that if I retain these words 'on the true faith of a Christian' in my Bill, I retain them solely *ex necessitate* and entirely against my own deliberate conviction." (Hansard, vol. cxxvii. 847.)

The Bill was allowed by Lord Derby to be read a second time, but on the motion to go into committee two nights afterwards it was opposed both by him and by Lord Ellenborough, not because they disapproved of the Bill in itself—on the contrary, had it come up from the Commons, it should have had their support,—but because they anticipated that on reaching the Commons it would be amended, so as to carry out the again and again declared wishes of the majority there, and that a collision between the two Houses

would thus be brought about. Their views prevailed, and the motion was lost by a majority of 15, composed exclusively of Lyndhurst's political allies. But this did not shake his resolution to persevere for the abolition of this last remnant of ecclesiastical illiberality.

Much of his time was devoted during the session to the consideration in Select Committees of important measures of legal reform, where his services were of the greatest value. Lord Campbell himself admits that in their deliberations, "Lyndhurst always showed admirable good sense as well as acuteness and logical discrimination." The eminent lawyers who worked with him in these committees would have thought this a poor acknowledgment of his services in converting crude and conflicting into workable and consistent legislation. In no such measured terms does Lord Campbell speak of him in one of his letters about this time (10th of July). Lord Lyndhurst had been present at a dinner given by Lord Campbell to his brethren of the Bench, and his host writes, "Lord Lyndhurst is, I think, the most remarkable man of this generation. He is eighty-two, with his mental faculties as vigorous as they were half a century ago. He hears as well as ever, and having undergone the operation of couching, he sees very tolerably. On this occasion he was quite boyish, giving various toasts, and was the life of the company." (Campbell's 'Life,' vol. ii. p. 314.)

Owing to his failing sight Lord Lyndhurst had declined to sit upon Appeals to the House of Lords, when he ceased to be Lord Chancellor. He did, however, sit upon one occasion during the present session. This was upon the great Bridgwater Case, in which the succession to estates of the value of

£80,000 a year depended upon the construction of the will of the seventh Earl of Bridgwater. The chief interest of the case to Lord Lyndhurst lay in the fact that it involved an important question of principle, whether or not a condition in the Earl's will was legal, which provided that his estates should not pass to his heir unless that heir should have previously acquired the title of a duke or marquis.

His speech on delivering his opinion was marked by all the characteristics which made his former judicial appearances in important cases famous. The conclusion arrived at was contrary to that of Lord Cranworth, as Vice-Chancellor, and of a majority of the judges consulted, but being concurred in by Lord Brougham, Lord Truro, and Lord St. Leonards, the appeal was sustained. Who was in the right, however, is we believe even now a moot question with lawyers.

The mind of all England during the latter half of this year was turned on the movements of Russia upon the Turkish frontier, and the Czar's obvious determination to carry out the hereditary Russian policy of obtaining possession of both banks of the Danube, as well as the command of the Bosphorus. The question of the various interests involved was one on which Lord Lyndhurst entertained very decided views. Long since he had made himself master of all its details. He had no doubt as to the sinister purposes of Russia, and was convinced that nothing would check the determination of the Czar to bring the Sultan to his feet, but the certainty that the first step towards Constantinople would make England his enemy. The timorous and vacillating policy of Lord Aberdeen, therefore, found no favour with him, foreseeing as he did that it would in the end involve

England in a war, which might have been averted, had a resolute attitude been adopted by the Cabinet in the first instance.

So early as the 12th of July, 1853, he put questions in the House of Lords to Lord Clarendon which showed his strong distrust of Russia. But it was not till the 19th of June in the following year, when the Russian mask had been thrown off, and when the revelations of Sir Hamilton Seymour's celebrated Memorandum of his conversation with the Czar had given fresh nerve to the resolution of Englishmen to prosecute the war in which they were now involved to the bitter end, that Lord Lyndhurst came forward to give a voice to the prevailing feeling, and to infuse, if possible, some of the national fervour into the still hesitating action of the Government. The speech, which under any circumstances would have been a remarkable one, for its masterly exposition of facts, its nobleness of tone, and nervous energy of diction, was felt to be a marvellous physical as well as mental effort for a man of eighty-three. The speaker was terribly in earnest, as befitted a man to whom the civilisation and the well-being of his fellow-creatures, and the triumph of well-ordered liberty abroad as well at home, were beyond all things dear. His heart spoke out, and it moved his audience, and through them all England, as with a trumpet sound.

After showing by instances after instances how Russia had proved by her faithlessness and falsehood that she could not be trusted to adhere to her engagements: he asked, "Is this the system, and are these the persons on whose assurances we are to depend? . . . Look at her whole conduct, and then, if any person can be credulous enough to trust in any statement of Russia, or in any engagement into which she may enter

contrary to her own interests, all I can say is, that I admire the extent of his faith."

"When," he continued, "the interests of millions are at stake, where the rise or fall of empires may depend upon the issue, away with confidence! Confidence generally ends in credulity. This is true of statesmen, as of individuals. Their duty in such a position is to exercise caution, vigilance, jealousy. 'Oh, for the good old Parliamentary word "jealousy," exclaimed Mr. Fox, in one of those bursts of feeling so usual with him, 'instead of its modern substitute "confidence"!' And if such be the true policy, which I think it is, as between Parliament and the Ministers of the Crown,[1] how much more ought it to prevail in the conflicting affairs of nations, where such mighty interests are concerned. If confidence, with its natural tendency, should degenerate into credulity, to what disastrous consequences may it not lead?

"But in the case of Russia, nothing but the extreme of blindness and credulity could lead to a departure from these principles. Her history, from the establishment of the Empire down to the present moment, is a history of fraud, duplicity, trickery, artifice, and violence. The present Emperor has proclaimed himself protector of the Greek Church in Turkey, just as the Empress Catherine declared herself protector of the Greek Church in Poland. By means of that protectorate she fomented dissensions and stirred up political strife in the country. She then marched into Poland under the pretence of allaying tumults, and stripped the kingdom of some of its fairest provinces. We know the ultimate and disastrous issue

[1] And not only between Parliament and Ministers, according to Lord Lyndhurst, should this jealousy be maintained, but between Parliament and the Crown also. Thus, speaking (22nd February, 1856), on the Wensleydale Peerage Case, he said: "My Lords, the principle upon which I proceed—the old Constitutional principle—is, that I will give the Crown no power that is capable of being abused, unless some great and overruling necessity can be shown to exist. I look with all Constitutional jealousy, and not with confidence, to those who are the depositaries of power. I remember it was over and over again said by one of the most illustrious statesmen England ever produced, that jealousy, and not confidence, was the maxim on which the British Constitution was based. I believe the noble Marquis opposite (Lord Lansdowne) is a decided, uniform, and constant adherent to that principle. Jealousy, and not confidence, is the eternal governing principle of the British Constitution." (Hansard, vol. cxl. 1168.)

of these intrigues—the impression they created is strong, and will be lasting.

"Look at another instance of Russian policy of more recent occurrence. Russia agreed to a treaty with Turkey, by which she recognised the independence of the Crimea. Nevertheless she stirred up insurrections in that country, under the old pretext of protecting one party against another; and, when the opportunity offered, she sent Suwaroff, one of her most barbarous generals, into the Crimea, who murdered the inhabitants and despoiled them of their territory, while a line of Russian ships invested the coast, and cut off all communication with Constantinople. At the very time when this was being done, Russia was not only at peace with Turkey, but was actually negotiating a treaty of commerce with her."

Lord Lyndhurst then referred to the conspiracy in which Russia had been engaged with Persia and other powers in the East, against England, in 1834 and 1835, and to her advances upon Khiva, in which she had sacrificed two armies, "not with a view to any beneficial trade, but evidently as a convenient centre from which to form combinations and carry on intrigues for the disturbance of our Indian Empire." He then adverted to the most recent instance of her machinations.

"As to Turkey, it is now known, from recent disclosures, that while the Emperor Nicholas was pretending to act the part of protector of Turkey, and trying to cajole the Sultan with professions of friendship and esteem, he was at that very moment planning the partition of his Empire."

Russia, then, being what he had shown her to be, if any engagement was to be made with her, it must, he contended, be covered by something more than pledges upon paper,—by some material guarantee, which might afford the assurance of a lasting peace.

"If I am asked," he continued, "what course would you pursue? What is your policy? My reply is, that this will

depend a good deal upon the events of the war. This, however, I unhesitatingly declare, that in no event, except that of extreme necessity, ought we to make peace without previously destroying the Russian fleet in the Black Sea, and laying prostrate the fortifications by which it is defended.

"What Russia may further attempt, if successful in her present efforts, time alone can disclose. That she will not remain stationary we may confidently predict. Ambition, like other passions, grows by what it feeds on. This much I firmly believe, that if this barbarous nation, this enemy of all progress except that which leads to strengthen and consolidate its own power, this State which punishes education as a crime, should once succeed in establishing itself in the heart of Europe, it would be the greatest calamity that could befall the human race."

These words, no less significant now than then, interpreted the feeling that was working in men's minds from one end of the country to the other. They were not without their weight in the Cabinet, for Ministers entertained a salutary fear of a critic, so sternly intolerant of vacillation or weakness where a national interest was at stake. He carried both country and Cabinet with him, when, at a later date, he said that a mere return to the *status quo* before the war would not content the nation, or give to Central Europe the security for her commerce to which she was entitled, and argued that a cession of territory must be exacted from Russia at the mouth of the Danube, so as to ensure the free and uninterrupted navigation of that river. Acting on this view, the concession of Bessarabia was afterwards insisted on by Lord Clarendon throughout the peace negotiations at Paris. Russia resisted even so far as to threaten to break off the negotiations; but Lord Clarendon was firm, and the concession was granted. The gain was great to England and to Europe. What would Lord

Lyndhurst have said, when not many years afterwards it was surrendered without equivalent at the mere demand of Russia?

Having now grown very lame and altogether too infirm to occupy himself longer in farming, this summer he gave up his lease of Turville Park. It was the year of the first great French Exhibition, and, like the rest of the world, he was drawn by its attractions to Paris. Here he passed several months, enjoying to the full the countless sights, and the varied and interesting society which made Paris—always a favourite resort with him,—more brilliant that year than it had ever been. How he enjoyed himself may be seen from a letter, reproaching his old secretary Mr. Perry for not having taken his holiday there.

"There was so much to see, so much to amuse and instruct you. You would have carried home a store of information and of agreeable impressions, that would have added in no small degree to the pleasure of your future life. Mrs. Perry, too, would have been charmed while she herself would have been charming those around her. Indeed, you have made a great mistake. Even I, old as I am, have transplanted myself and taken root in France the last four months.

"Here we are all for peace, while you seem all for war! How is this to be reconciled? What is to become of the *entente cordiale?* C—— and his wife come here at Christmas, so you see everybody is more adventurous than you; and yet Liverpool has the reputation of being the seat of adventure. But you have not caught the infection."

The way things were being managed in the negotiations for peace which were now going on, seems to have been anything but pleasing to him. Thus we find him writing in November to Mr. Barlow—

"We are playing so completely second fiddle to France,

that I begin to be sick of the war—and yet I find by the Bombay papers that the Russians are busy with a considerable military force in Central Asia, and they are also looking, as I find in the *Times*, to an establishment to the north of Norway, i.e. in the Atlantic. Between the active ambition of France and the creeping wiles of Russia it may be difficult to choose."

Lord Lyndhurst had often met the Prince Louis Napoleon in London, at Lady Blessington's. He had no particular liking for the Prince, and indeed he knew him only as one knows those one meets at a friend's house. But a man so distinguished as Lord Lyndhurst could not be resident for any time in Paris without the Prince, now Emperor, desiring to show him courtesy. Accordingly, an intimation reached him from the Tuileries, that the presence there of himself with Lady Lyndhurst and his daughter was desired. Such an intimation was a command. Here is Lord Lyndhurst's own account of what passed, written the same day (3rd of December, 1855), to his friend Mr. Barlow.

"I was presented to-day, with Lady Lyndhurst and Georgie [their daughter], to the Emperor and Empress in private. We remained in active conversation, no other person present, for more than an hour. The affair was full of interest. Everybody here is for peace. Can't say what the Emperor thinks. I speak of all but him. It seems at home we are all for war, even Fox the Quaker."

The Emperor's position was indeed a difficult one. France was weary of the war, and would have closed it upon almost any terms. England, however, was very far from being of the same mind. The fall of Sebastopol, and the temporary disabling of Russia, were no compensation to her for the many and costly sacrifices by which they had been effected. She

required some assurance that the same battle in the interests of civilised Europe would not have to be fought over again. She was stronger now, and more able to continue the war, than she had been at any former time, and from the terms of peace which she had by this time formulated she was not disposed to depart. Neither Austria nor Prussia were to be strongly relied upon for supporting her in pressing for these terms: Austria from her internal difficulties, Prussia from the sympathies of her Sovereign with Russia. It required, therefore, no ordinary firmness in the Emperor of the French to follow the lead of his English Allies, with his own people behind him anxious to be relieved from the pressure of a war in which they had never seen any great advantage to themselves, and under the long strain of which the military resources of France had broken down. Reticence in conversation, even with Lord Lyndhurst, was, therefore, what might be expected on the Emperor's part; but he presently showed, during the peace conferences at Paris, that he was truly loyal to his engagements to England.

Lord Lyndhurst came back from Paris greatly invigorated by his stay there. On the 15th of February, 1856, his sister, to whom the stir and bustle of that busy time had been rather exhausting, writes to Mrs. Greene—

"We are comfortably settled in George Street, much to my satisfaction, notwithstanding the smoke of London. In winter Paris is only fit for the young and gay. It certainly did my brother a great deal of good; every one remarks how extremely well he is looking. He made an excellent speech the other day, equal to any of his former ones. I know this will give you great pleasure to hear."

The subject of the speech here referred to was

one in every way calculated to call into play Lord Lyndhurst's finest powers. The House of Lords as a Court of ultimate appeal had for some years been extremely weak; and the Ministry, anxious to infuse additional strength into the tribunal, had decided on creating life peerages in favour of some of the judges. One of these had been granted to Baron Parke. Lord Derby had called attention to the fact on the first night of the session, and intimated very plainly that the right of the grantee to sit in the House would be disputed. The issue raised was one of the highest constitutional importance, affecting as it did the dignity and independence of the House of Peers, inasmuch as the power claimed for the Crown might at some future time be used by the Ministry in power for their own purposes. The more the subject was studied, the more irregular and unconstitutional such an exercise of the Royal prerogative was found to be. The question created great interest on both sides of the House, Lord Campbell, among others, taking a decided part in opposition to his party. According to him (Campbell's 'Life,' vol. ii. p. 339), "we all agreed that Lyndhurst should take the lead, and now, in his eighty-fourth year, he was as eager to do so as if, a boy entering on public life, he had rejoiced at an early opportunity of gaining notoriety." How little Campbell was fitted to understand Lyndhurst these last words show. Notoriety was at no time Lyndhurst's aim. But now, rejoicing in his conscious strength, how could he more worthily employ it than in arguing a great public question of this kind, as probably he himself, but certainly all his legal compeers, felt that no other man could?

His treatment of it (7th of February, 1856) surpassed all that had been anticipated. Campbell in

his 'Diary' chronicles that his speech "was the most wonderful ever heard. It would have been admirable for a man of thirty-five, and for a man of eighty-four it was miraculous! No man of that advanced age ever made such a speech in a deliberative assembly." It required no allowance for the age of the speaker. But indeed in estimating a fine work of art or literature or eloquence, any reference to the years of its author is out of place. The marvel would rather have been for any man of thirty-five to make such a speech. It needed the ripe experience and the practised skill of a great master to say so much, and to say it so well, within so small a compass.

After disposing of what history and law had to say upon the subject, Lord Lyndhurst dealt with the novel exercise of the prerogative, as a question of state policy.

"What," he asked, "will be the consequences of the establishment of a system of life peerages? You will from time to time have appointments of this kind repeated; you will become accustomed to them, and you will find this House divided into two classes, part hereditary peers and part mere peers for life. One great barrier against the creation of peers for the occasional purposes of the Government is the hereditary character of this House. To attempt any such creations at present would be attended with great risk and difficulty. In the reign of Queen Anne, Sunderland and Oxford made the attempt, but we know it has been a matter of denunciation ever since. But if a few members of the legal profession can be created peers for the short remainder of their career, how easy it will be for an unscrupulous Minister—we have had many unscrupulous Ministers, and we are likely to have them in future—to carry the system out to what extent he thinks proper for his own objects. I may be told that this privilege of prerogative may be sparingly exercised, and that we must not object to a good thing because it may be abused. I do not give way to that delusion. I do not accede to that position

in what I call constitutional policy. I will give no power that is capable of being abused, unless when I think it necessary for some great object. That is the constitutional doctrine which I have always taught, and to which I am determined to adhere."

Then, in order to show that this jealousy was shared by statesmen, even under the strongest temptation to resort to the use of the Royal prerogative, he referred to the action of Earl Grey—"for whose memory," he said, "he entertained the highest respect"—when driven to the sorest straits to secure the passing of the Reform Bill. The creation of life peerages was regarded by that noble Earl "as a great innovation, attended with dangerous consequences, and subversive of the character of this House." So, too, at the time of the union with Ireland, when it became necessary to create peers for the purpose of carrying that measure. "Do you suppose," he said, "that if that great statesman, Mr. Pitt, had thought it justifiable to create peerages for life, he would not at once have resorted to that expedient to diminish the inconvenience of a large addition to the Peerage?"

Then followed one of those passages, fired with the heat of strong feeling, which gave a peculiar charm to Lord Lyndhurst's speeches—

"It has been said that this use of the prerogative may be exercised for creating rewards for great and eminent services. My Lords, I have listened to that way of putting the question with the utmost indignation. Would you place men who have served their country in the highest positions—men who have bled for their country—men who by their exertions have added to the power and character and glory of the nation—would you place these men in a class lower than those who reflect only the lustre of persons who before them have been distinguished for great and eminent services? I do not go the

length of the old Roman poet, when he put into the mouth of the Grecian warrior these words :

> 'Nam genus et proavos et quæ non fecimus ipsi,
> Vix ea nostra voco.'

"I do not go that length, but I say that while I respect the descendants of men who have done great and glorious deeds for their country, I respect still more those by whom great and glorious deeds have been accomplished. It is said sometimes—indeed I have myself heard rumours—that these creations are to be confined to members of the legal profession. What, I would ask your Lordships, has the profession of the law done to merit this indignity? I say with the most perfect confidence—and I can appeal to every man acquainted with the history of this country for the truth of what I say—that no body of men have been more distinguished, or have been more successful in their exertions, in supporting the liberties and maintaining the Constitution of this country, than those who have belonged to the profession of the law. I hear things sometimes whispered about their descendants. But when I look around this House, I see my noble and gallant friend (the Earl of Hardwicke), distinguished for conduct and personal bravery, and known as one of the most able officers in Her Majesty's service, and I find him descended from a noble and learned Lord who presided in this House with equal dignity and splendour. I further see a noble Earl (the Earl of Ellenborough), of great talent and information on all questions to which he directs his attention, and who is frequently heard to address this House with the most commanding and overpowering eloquence; and he is the descendant of a Chief Justice who was honoured with a seat in this House. I see another noble Lord (Redesdale), who holds a distinguished office in your Lordships' House—intelligent, acute, liberal and independent—and who stands deservedly high in the estimation of your Lordships. He also is the descendant of one who distinguished himself in the profession of the law. Therefore, my Lords, if it is said that those who have been connected with the law and have been raised to the honours of the peerage, are not honoured in their descendants, I protest against such an assertion as unjust and unfounded."

Not less admirable were the words with which the speech wound up.

"What is the real secret of this change in our system? My Lords, in our intercourse with our friends on the other side of the water, have we become so enamoured of their Senate that we can admire and favourably contrast its efficiency, its vigour, and its independence with that of your Lordships' House? Have we been led to imitate them in the composition of the Upper House? It is but a few weeks since I read an official comment in the *Moniteur*, coming from the highest source, on the inefficiency, the want of patriotism, energy, and the backwardness to fulfil the high destinies to which they were called, that characterised that illustrious body, the Senate of France. I have no disposition myself to cut down our tribunal to that life interest on which the Senate of France is based, as I believe the hereditary character of this House is one from which great and important advantages are derived. If you desire, my Lords, to support the stability and the constitutional powers of this House, I think you cannot be prepared to approve the course which has been pursued in this case. The hereditary principle is entwined in every part of our Constitution; we in this House enjoy our hereditary rights in common with the Crown; we mutually support and assist each other, and we form a barrier and defence to protect both those branches of the Constitution against any by whom they may be assailed. Break in upon that principle—destroy that outwork—and he must be a bold man indeed who will venture to say he can foresee all the consequences that will arise."

Lord Lyndhurst concluded with a motion that Lord Wensleydale's patent be referred to the Committee for Privileges, to examine and report upon it to the House. After a very elaborate debate, the motion was carried by a majority of thirty-three. The Committee sat for two days taking evidence, during which the inquiry was practically conducted by Lord Lyndhurst, and on the third day (21st of February) he moved that they should report it as

their opinion, that neither the Letters Patent by themselves, nor along with the usual writ of summons issued in pursuance of these Letters, could entitle the grantee to sit and vote in Parliament.

This he did in a speech not less admirable than his former one. A remarkable instance both of his habitual thoroughness in the study of his subjects, and of his marvellous tenacity of memory, occurred in the course of this speech. He had been dealing with the cases of grants of peerages for life, which had been made at various remote periods, all of which, according to his argument, obtained what validity they had from the fact that they were made with the express assent of Parliament. "I need not," he said, "refer to all the cases, for I believe my noble and learned friend (the Lord Chancellor Cranworth) will agree with me that these significant words are to be found in all the patents or charters creating peerages for life." The Chancellor, on being thus appealed to, answered, "About half of them," upon which Lord Lyndhurst rejoined, "I will show that the whole of them are," and, without note of any kind, he went through every case, pointing out the distinctive peculiarities of each with minute accuracy.

The Government made a resolute struggle to prevent the motion being carried, but after a long and exhaustive debate, conducted with great ability on both sides, it was carried by a majority of thirty-five. Happily no question of the personal merits of the grantee of the patent entered into the discussion. In the first debate, Lord Lyndhurst adverted to the circumstance that one of the first acts of his official life, when he was first Chancellor, thirty years before, had been to recommend Baron Parke for a seat on the Bench, adding that "his assiduity, his

industry, his learning and impartiality, had more than justified the appointment—they did honour to the selection." In deference to the decision of the House, the Government soon afterwards cancelled the first patent, and Baron Parke was called to the peerage as Lord Wensleydale by a patent in the usual form, much to the satisfaction of all parties, and of no one more than Lord Lyndhurst.

In truth no one was more anxious than he that something should be done to give fresh strength to the House of Lords as a Court of Appeal, and he had prepared an excellent scheme with this view. But the subject was unfortunately taken out of his hands by Lord Derby, who obtained (24th of February, 1856) the appointment of a Committee of the House of Lords to consider the question. In pursuance of this Committee's report, a Bill was brought in by the Lord Chancellor in the following May, and passed in the House of Lords. Its provisions were, however, found to be so objectionable, as well as inadequate, that it had to be withdrawn even after it had passed the second reading in the House of Commons. In the discussions on this Bill, Lord Lyndhurst took no part. He could not approve it; but resistance in the House of Lords against Lord Derby would have been fruitless. When it was withdrawn, he was naturally well pleased.

During this session Lord Lyndhurst made several important speeches on foreign affairs, and also on questions of legal reform, more particularly on the necessity for an alteration in the law of divorce, a subject in which he took great interest. A Bill which had been introduced with the view of effecting a dissolution of marriage by the decree of a specially constituted tribunal, instead of the established pro-

cedure by Act of Parliament, which made the remedy available only to the rich, did not go far enough in his opinion, either in respect of the grounds on which divorce should be granted, or in giving to the wife an equal right to relief with the husband. He succeeded in getting the Bill referred to a Committee, where he was able to get many important modifications introduced. But the measure was detained so long by the discussions there, that legislation had to stand over till the next session.[1]

[1] On the progress of private Bill legislation Lord Lyndhurst kept a watchful eye after he ceased to be Chancellor. There were few things of importance in this direction, in which a principle affecting the public interest was involved, that escaped his notice.

CHAPTER XIX.

Lord Lyndhurst's speeches on Divorce Bill, and Lord Campbell's Bill for suppressing Obscene Publications—His rebuke to Lord Campbell—Speeches on Oaths Bill, and Bill for Suppression of Street Music—Recommends Lord Campbell to Lord Palmerston for Chancellor—His speech on National Defences—Its great effect throughout the country—Correspondence with Lord Campbell—Great speeches on Naval Defences, and on Paper Duties Bill.

THE session of 1857 found Lord Lyndhurst as full of intellectual energy as ever. He had taken up the question of Divorce with enthusiasm, from a profound conviction of the enormous amount of misery and injustice which resulted from the existing state of the law, under which a divorce was allowable only by a special Act of Parliament. To none but the rich, therefore, was it possible, and to women, however deeply wronged, it was practically unavailable. Moreover, as the application to Parliament had to be preceded by an action at law, and a verdict of damages for criminal conversation, and also by a divorce *a mensâ et thoro* in the Ecclesiastical Court, it was obvious that, apart from the objection of costliness, and the offensive exposures of the action for damages, it left thousands of cases untouched, where a release from the bondage of an unblest union was to be desired on every consideration of private feeling and public expediency.

When the Bill, which now forms the law upon the subject (20 & 21 Vict. c. 85), was introduced by the Lord Chancellor (Cranworth), Lord Lyndhurst developed his views in one of his finest speeches. In the

previous session the Bishop of Oxford had quoted St. Augustine in answer to his argument for the liberty of divorce, and of the marriage of those whose adultery had led to the divorce. With characteristic energy Lord Lyndhurst had taken to the study of the folios of St. Augustine and other fathers of the Church during the recess, and in the course of his speech (3rd of March, 1857) he amused the House by the way in which he turned his studies to account by adducing evidence from them in support of the doctrine that marriage was not an indissoluble tie, but was allowable in the case of adultery; enforcing his argument by the illustration of a case cited by St. Augustine himself, on which the opinion of that eminent saint did not say much for the nicety of his moral sense. In the course of his speech Lord Lyndhurst showed conclusively, that the Romish rule upon the subject was a dogma unknown to the early Christian Church, and neither more nor less than an encroachment of ecclesiastical tyranny. The remedy of divorce, he urged, should be available to the wife not merely for adultery, but also for desertion, cruelty and other causes; but he did not find sufficient support to carry this view. The Bill underwent great changes in committee at his instigation, and with the amendments then made and those which were introduced two years afterwards by the Act (22 & 23 Vict. c. 61), it has been found to work equitably upon the whole.

Later in the session (25th of June, 1857), Lord Lyndhurst took an active part in opposition to the second reading of a Bill introduced by Lord Campbell to prohibit the sale of indecent books, prints, &c. As his action on this occasion has often been misrepresented, it is necessary to call attention in some detail to what actually took place. For this misrepresentation Lord

Campbell is chiefly to blame, and yet he of all men, as will presently be seen, was bound to have given no colour to it. "For some unaccountable reason," he says ('Life of Lyndhurst,' p. 201), "Lyndhurst violently opposed this measure; and on the second reading he delivered a most elaborate, witty, unfair, and I must add profligate speech against the Bill, and moved that it be read a second time that day three months." Lord Campbell omits to state, that Lord Brougham, the Chancellor (Lord Cranworth), and Lord Wensleydale all joined with Lord Lyndhurst in condemning his Bill; that it was only allowed to proceed in the expectation that it might be so manipulated in committee as to be made workable; and that but for the amendments made upon it by Lord Lyndhurst, Lord Cranworth and Lord Wensleydale—amendments which have made the Act what it now is—it never would have been allowed to pass.

The "unaccountable reason" of Lord Lyndhurst's opposition was expressed by himself in the plainest language; and it was simply this: that the Bill, as presented by Lord Campbell, utterly failed in defining the class of works against which it was meant to be directed. It was "so wide, so extensive, so loose, so vague, that it would give rise to every kind of abuse—no publisher, no printseller, would be safe under the Bill." Lord Cranworth had previously said in effect the same thing, and objected that the interpretation of its vague language, while authorising a most inquisitorial right of search, was left in one case to the police magistrate, and in another to the superintendent of police.

Lord Lyndhurst started with giving every credit to Lord Campbell for the feeling which had prompted him to bring in the Bill. He himself thought the

existing law was sufficient to put down the traffic in question. But in any case the remedy now proposed was not a right one. No man would be safe in keeping in his house a statue or a picture, which an informer might denounce as coming within the scope of the Bill —the Jupiter and Antiope of Correggio, for instance, or the Medicean Venus. Nay, his library, if it happened to include Ovid or the dramatists of the Reformation, or the French novelists from Crebillon fils down to Paul de Kock—Lord Wensleydale added, Lucian, Juvenal and Lucretius—might bring him within the penalties of the proposed enactments. Lord Lyndhurst, willing to let Lord Campbell down easily, did not in his first speech on the Bill drive his legal argument very closely home, and amused the House by a series of witty illustrations of the vagaries and intolerable interference to which such legislation would give rise. But when the subject came up again (13th of July), after he had taken every pains in committee to lick the measure into proper shape, he took care that it should not be said that his reasons for opposing the original Bill were "unaccountable."

"I will," he said, "give you a sample of its provisions. A man makes an affidavit that some one—he does not say who—has reason to suspect that there are improper publications at such a house. Upon that vague surmise a warrant is issued, the effect of which will be, that at any hour of the day, or any hour of the night, an officer may go into the house, search every room, every bedroom, even the beds in which women are lying, because they may conceal improper publications; break open, or order to be opened, every drawer and every closet in the house, and after all it may turn out that there is nothing to be found; but the householder will have no remedy for all this vexation. That *was* the Bill; and I was rebuked for opposing it. In the name of common sense, could I do otherwise than oppose a Bill drawn in such a monstrous

shape? That was the first clause of the Bill. According to the second, no affidavit was required. The report of a mere superintendent of police, that he believed there were improper publications in a house, would give rise to all the vexation to which I have referred. . . . My noble and learned friend has repeatedly said in a deprecatory tone, 'Oh, I do not mean anything of the kind.' Why, it is not what the Chief Justice means—but what is the construction of the Act of Parliament!"

So much for Lord Campbell's "unaccountable reason." Now as to his charge that Lord Lyndhurst (then eighty-five) had made a "most profligate" speech. The speech exists in Hansard to disprove the charge. Nevertheless Lord Campbell ventured, in replying to Lord Lyndhurst on the first occasion, to apply to it some words so offensive that they are not reported in Hansard. He uttered them also in a tone so low that, while others heard them, Lord Lyndhurst, being slightly deaf, did not do so. They were so discreditable, that when Campbell sat down, Lord Wensleydale told him he should inform Lord Lyndhurst what he had said, which he did. Knowing this, Lord Campbell called at Lord Lyndhurst's house to apologise, but Lord Lyndhurst refused to see him. A public apology thus became necessary, and on moving the third reading of the Bill Campbell disclaimed the intention to say anything offensive, "and begged most fully and entirely to retract it, and to express regret that he had said anything which might bear such a construction." Seeing that within a year afterwards he penned the description quoted above of Lord Lyndhurst's speech, we read with a feeling difficult to describe the words which followed; "His noble and learned friend *on that occasion had done no more than his duty, and he had since then rendered material*

assistance in amending the Bill, and for that he begged leave to return thanks to his noble and learned friend." (Hansard, vol. cxlvi. 1356.)

Placable beyond most men though he was, Lord Lyndhurst, while accepting Campbell's apology, could not forbear from administering a rebuke to the man by whom his forbearance had been often severely taxed.

"I apprehend," he said, "that my noble and learned friend is not always aware of the effect of the expressions which he uses. He has been so accustomed to relate degrading anecdotes of his predecessors in office, that I am afraid his feelings upon these subjects have become somewhat blunted; and I am the more confirmed in that opinion from a circumstance which occurred not long ago. My noble and learned friend, in a publication which he recently gave to the world ['The Lives of the Chief Justices'], inserted two or three paragraphs of a nature by no means complimentary to myself, and, having done so, he selects the particular volume containing those paragraphs from the whole set, and sends it to me as a present, with the author's compliments. I conclude, therefore, that my noble and learned friend does not, upon all occasions, understand the force of the expressions which he uses. Why, immediately after the division had taken place the other evening, my noble and learned friend, after having uttered expressions with regard to myself more degrading to the utterer than to the person against whom they were directed, came over to me with a smiling face, and asked me to amend the Bill."

This is what Lord Campbell talks of as "a rough passage of arms" between himself and the ex-Chancellor, a fine illustration of that ignorance of the meaning of words which Lord Lyndhurst ascribes to him. A coolness of many months ensued; but Lyndhurst, at no time a man to cherish animosities, was now at that time of life when such men willingly forget injuries, and find it too painful for endurance to be

wholly estranged from those with whom they have been in intercourse for years, and whom they must still have to meet. In Parliament they never again came into collision, except in the debate in the session of 1858 upon a Bill of Lord Campbell's for dispensing with the unanimity of juries in civil trials, against which Lord Lyndhurst successfully led the opposition. Peace was restored between them, and they remained in friendly correspondence down to Campbell's death in 1861.

Lord Lyndhurst's best speech during this session was upon the second reading of the Oaths Bill, for giving admission to the Jews to Parliament. The Bill had again and again passed the Commons with increasing majorities. Lord Lyndhurst placed the duty of the House of Lords in such a state of things upon its true footing, in words of permanent value. After alluding to these majorities, he said—

"My Lords, I think these facts are not to be disregarded or lightly considered. I have sometimes ventured to state my opinion as to the relative duties of the two Houses of Parliament, the one representing the great mass of the constituencies, the other not representing the people, but rather what may be termed the Conservative influences of the Constitution. My Lords, I have always considered the duty of this House to be to mature all plans of sound legislation—to serve as a check against the rash, hasty, and unwise proceedings of the other House, and to give time for consideration, and even for the abandonment of improper measures. I have never thought, however, that this House ought to be a perpetual barrier against sound and progressive legislation. No wise or prudent man can approve such a course. It must lead to a conflict with the other House, and in that conflict, unless we are supported by a great majority of the people, we must succumb. I have been now for more than thirty years a member of this House. I have taken an active part in all those measures which have been brought forward during that time for the purpose of extending the principle of religious freedom. I

have myself been the originator of some of them, and I hope I may be allowed to say, that I feel a just pride in the course I have taken. My Lords, we have now arrived at the last stage in our progress towards full and perfect religious liberty. Let us not halt in our career, Let us not lag behind, on this subject, the other Protestant States of Europe. Let us maintain our old position in the van of the nations, and let us now make our last and crowning effort in the great cause of civil and religious liberty."

The appeal was not successful. A majority of thirty-two negatived the second reading; and it was not until the following session, and after fresh debates in which he played a conspicuous part, that Lord Lyndhurst had the satisfaction of seeing the question settled, although not altogether in the simple and straightforward way in which he considered that a constitutional question of this importance ought alone to be settled.

Not content with watching all great public measures and movements, Lord Lyndhurst kept a sharp outlook upon Bills which could in any way affect the general interest or convenience. As an instance of this vigilance we may cite his speech (29th of April, 1858) against a Bill of the Marquis of Westmeath for the suppression of street music, in which, owing to the ignorance of the draftsman, the remedy provided would have been worse than the nuisance against which it was directed. The speech was in the vein of playful humour with which the speaker's private friends were familiar, and with flashes of which his graver orations were occasionally lightened.

"I have," he said, "a very musical friend who lives in one of those holes called chambers, in Old Square, Lincoln's Inn. This gentleman worked hard, night and morning, at the study of his profession, and I can conceive of his looking out of the window early some May morning, seeing the sun

shining upon the chimney pots—for it never shone upon anything else there—and being tempted to take a walk into the country. He might put his flute in his pocket, and walk off perhaps to Hampstead Heath, perhaps to Hornsey Lane, or perhaps to Richmond Hill. He might sit down, and begin to blow upon his flute—which he did most beautifully. People would be attracted round him in considerable numbers; but after he had played for a quarter of an hour or twenty minutes, a man in a blue coat, having a letter A. and a number on the collar, would come up and, presenting a piece of parchment or paper, say, 'Read this!' 'What does it mean?' 'Oh, the magistrate is sitting at the King's Arms, and requires your attendance.' 'My attendance? For what?' 'Why, sir, you are an idle and disorderly person; you are idle yourself, and make other people idle by attracting them by your beautiful playing on the flute.' 'What does this mean?' 'It's under the Westmeath Bill.' 'The Westmeath Bill! Why, that must be an Irish Act.' 'No! Lord Westmeath's Bill. You must come before the magistrate. He is sitting to hear the case, and will commit you as an idle and disorderly person, and sentence you to one month's imprisonment with hard labour.'" (Hansard, vol. cxlix. 1927.)

He then pointed out how Punch—for whose immunity from police interference the House of Commons had recently declared—would by reason of his Pan-pipes come within the sweep of the Bill. There were, he said, some mews behind his house, where about the dinner hour of the inhabitants street music was generally to be heard. "He had no doubt that the players were paid, and, if they were, it could only be because their performances were agreeable to the humble proprietors of homes in that district, and he had as little doubt that it exercised a softening influence on their manners." A personal experience of his own, which he then gave, is characteristic.

I recollect very many years ago, when I was studying in chambers, having a neighbour who was learning to scrape

on the violin. I was at first disposed to complain of my neighbour's innocent pastime as an annoyance; but on a little reflection I said to myself, "Is it wise in me to object? Let me see whether I cannot stand it without distraction. If I can, what an admirable discipline it will be to me in pursuing my mathematical studies!" After a time I ceased to hear this "nuisance," as it was called—it made no impression on me.

Discipline indeed! Of the power of abstraction which could make a man forget such torture, it might indeed be said, although it could not be said of the amateur's music, that it "raised a mortal to the skies!" After Lord Lyndhurst's speech the fate of Lord Westmeath's well-meant attempt at legislation was inevitable.

While adhering on all general questions of policy to the views of the party to which he had always been attached, Lord Lyndhurst did not hesitate to oppose them whenever he thought them in the wrong. As he had spoken against them upon the Oaths Bill, so he led the attack (8th April, 1858) upon a Bill introduced by Lord Chelmsford for getting rid of grand juries within the metropolitan districts. Regarding these as one of the great securities for justice and freedom against the exercise of arbitrary power, he defended their continuance by one of those speeches in which the powers of the great jurist and statesman were not more conspicuous, than that earnest concern for the liberties of the subject in the true sense of the word, which pervaded all his great political speeches. To avoid defeat on division the Bill was withdrawn.

On this occasion the appeal of Lord Lyndhurst was supported by Lord Campbell, to whom it ought to have been some consolation that, if his own measures for altering the law of juries had been strangled by Lord Lyndhurst a few weeks before, the Nestor of

Debate was quite as ready to perform execution upon a Bill of his own political friends in accordance with the same broad constitutional principles.

Not long afterwards Lord Campbell was to be indebted to Lord Lyndhurst in a way he could little have anticipated. On the return of the Liberals to office under Lord Palmerston in June of this year (1859), the question who should be Chancellor became a source of difficulty. Sir Richard Bethell and Sir Charles Romilly had each their supporters in the Cabinet, and their respective claims were so warmly supported that the only way out of the difficulty seems to have been to find some third person suitable for the office. In these circumstances Lord Lyndhurst, on whose fairness and sound judgment all parties placed entire reliance, was applied to by Lord Palmerston, through the medium of a member of his Cabinet, for advice, and he recommended that the office should be given to Lord Campbell. Campbell, he said, had always belonged to the Liberal party, he had claims upon the office by seniority, which made it impossible that either Bethell or Romilly should object to his appointment, he was a sound lawyer, and would do no discredit to the Woolsack. The advice was followed. How painful the disappointment was to one of the competitors, at least, may be seen from Campbell's account of his interview with Sir Richard Bethell, when the appointment was made known (Campbell's 'Life,' vol. ii. p. 369). But there was not a word to be said against the appointment in itself, and Lord Palmerston was delighted at being extricated from a difficulty which had threatened to be very embarrassing.

Lord Campbell somehow or other became aware that he was indebted to Lord Lyndhurst for the crowning honour of his laborious career. "I owe this

to you," he said one day to Lord Lyndhurst in the House of Lords, in the hearing of the peers who were sitting round him. Lyndhurst made no reply but he must have been conscious of a peculiar significance in his words, when he took occasion (1st July, 1859), to congratulate the Chancellor on his honours, while vindicating in very cordial terms Lord Campbell's appointment of Mr. Blackburn to a judgeship, for which he had been unfairly attacked.

"I hope," he said, "my noble and learned friend will allow me to take the opportunity of congratulating him on his elevation—on his having attained everything that he has ever looked forward to. We may say of him, in the words of the poet—

'Thou hast it now, King Cawdor, Glamis, all
As the weird women promised.'

"Without being a countryman of my noble and learned friend, I may take credit to myself for a species of foresight, having on a former occasion predicted the advancement of my noble and learned friend." [1]

Four nights afterwards (5th July) Lord Lyndhurst made a speech, in calling attention to the state of our national defences, the echoes of which were heard throughout the British Empire. Our relations with France since the close of the Crimean War had been by no means satisfactory. There was powerful influence at work in that country to provoke a rupture of the friendly alliance which the Emperor had hitherto maintained, and was probably still anxious to maintain. But everywhere on the Continent, as well as throughout England, an uneasy feeling prevailed, for it was seen that only by excitement flattering to the national vanity could the Emperor keep the turbulent

[1] Campbell's hankering for the Woolsack had long been a theme for Lord Lyndhurst's banter. "Brougham, here is a riddle for you," he is reported to have said: "Why does Campbell know so much about the Navigation Laws?" Answer: "Because he has been so long engaged in the Seal fishery."

spirits of France under control; and what arena he might choose for gratifying their love of conquest and military glory, it was impossible to divine. His military and naval forces had both been brought up to a most formidable scale of magnitude; and what they could be made to do had recently been illustrated in the Italian Campaign, which had terminated not many weeks before in the very unsatisfactory and obviously inconclusive Peace of Villafranca. Lord Lyndhurst had watched with something like dismay the enormous increase of the French navy, while England, lapped in blameful security, and yielding to the teaching of economic sentimentalists, was slackening in her efforts to bring up her fleet to the standard necessary, in the altered circumstances of Europe, to maintain that supremacy at sea, which could alone secure the safety either of her own shores, or of her colonies and dependencies. The time had come to raise a warning voice, and no voice more powerful, or more calculated to make England take the only safe view of her position, could have been raised than that of the man who could carry his remembrance vividly back to the victories of Camperdown and St. Vincent, of the Nile and Trafalgar, and who had made a close study of France and her people from personal observation since the days of her first great Revolution until now.

As notice had been given of the motion some days before, the House of Lords was crowded in every part, and a deep hush reigned over it as Lord Lyndhurst raised himself with difficulty from his seat, and with the rich, measured, but in no degree monotonous cadence which had for many years taken the place of the impetuous and rapid utterance that in earlier years had somewhat injured the force of his speaking, proceeded to justify himself for calling the attention

of their Lordships, and through them of the country, to the necessity of submitting to whatever expenditure was required to put the national defences on a proper footing.

At the outset he disclaimed all feeling but the one of anxiety that England should be in a position to hold her own against aggression. He then passed rapidly in review our attitude in former times towards the navies of Europe, and our attitude now, when the introduction of steam and vessels of an entirely different character had, in a great degree, altered the conditions under which we had been enabled to maintain the dominion of the seas. After showing what France had done and was doing in the way of line-of-battle ships and steam-frigates, and in the drill of her men for working them, he said—

Now, with respect to force, What is required? First, in the Channel? We require not only a force for warfare equal to France, but we require something more. We require a powerful reserve. France requires no reserve. The reason is this, and I beg your Lordships to mark it. If in a combat of the two fleets the English fleet should be victorious, we have no power of landing with any effect upon the French coast; whereas, if we have no reserve and our fleet is destroyed in a contest with the French fleet, we are entirely at the mercy of the enemy. We have seen lately what France can effect. Suppose the English fleet defeated and driven from the Channel, the events which have passed almost under our eyes within the last few weeks show the great peril to which we should be exposed from the extraordinary facility with which a military force to an immense amount might at once be landed on our shores. But it is not sufficient for us to have a Channel fleet capable of coping with the country directly opposite to us. Our Channel fleet must certainly and necessarily be of an amount sufficient to cope against any two Powers which may be united against us. We know full well that at this moment the Russians have seven or eight

line steamers fitted for sea. If by any accident or by any event—which might easily occur—we should be engaged in a dispute with France and with Russia, we should be in a very unfortunate situation if we had not a naval force sufficient to combat both these Powers. Our naval power is essentially defensive. It is absolutely essential to our security. The naval power of France is not defensive—not necessarily so. It is aggressive in its character. Then, I say, with respect to the amount of the Channel fleet, if we wish to be in a state of security, if we wish to maintain our great interests, if we wish to maintain our honour, it is necessary that we should have a power measured by that of any two possible adversaries.

He then went on to show that the Channel fleet was only one portion of what was necessary; we wanted one also sufficient to command the Mediterranean, otherwise the dream of the first emperor would be realised of making it a French lake.

"If France," he continued, "has the command of the Mediterranean, what is the inevitable consequence? She will be able to leave and return to the Mediterranean at her pleasure. She will be able to take our Channel fleet in flank at any moment. She will be able to unite her Mediterranean and Channel fleets. She will be able to cross the ocean, and one by one to take possession of our colonies, and she will be able to sweep the ocean of our ships, and destroy our whole commerce. It is necessary, then, not only to have such a Channel fleet as I have stated, but such a fleet as will enable us completely to command the Mediterranean. . . . There is another point with respect to the Mediterranean. Unless we have the command of the Mediterranean—if we are driven out of the Mediterranean—what is our situation with respect to India? We cannot communicate with India except round the Cape of Good Hope, while France will be able to communicate by a direct and easy course, by means of Egypt and the Red Sea. What would be the result of that state of things I leave your Lordships to imagine."[1]

[1] What additional emphasis is given to these remarks by the very powerful fleet which Italy now possesses! Where will England stand, in the event of any

He then dealt with the necessity for an effective reserve of seamen, and the efficiency of the arsenals, urging that the more the question was examined, the more confident he was, his hearers would be impressed with the necessity of incurring the expenditure, whatever it might be, that was requisite for accomplishing the objects to which he had called their attention.

"But, my Lords," he then proceeded, "that to which I have been alluding constitutes only one portion of this important subject. Hitherto, as I have already observed, you were, notwithstanding the absence of your fleet, comparatively in a state of domestic safety for the reasons which I have mentioned. But what is your position now? In what state would you be if your Channel fleet were dispersed or absent, or from any cause removed for a short time from its proper station? The noble Lord, the leader of the other House of Parliament, has told you in very emphatic words that steam has converted the Channel into a river and thrown a bridge across it. These are truly emphatic words, but they hardly exceed the reality. They are scarcely exaggerated. Mark, my Lords, the state of things which has been more than once detailed. We know from recent experience that the materials of war may, without exciting any observation, be placed on board ship on the opposite side of the Channel. We know that in a few hours a large army may by means of railways, and without any notice whatsoever, be brought down to the coast to different points of embarkation. The facility of embarkation is quite extraordinary in consequence of the new provisions made for that purpose by France. We know that such a force as that to which I refer may within a few hours—in the course of a single night—be landed on any part of our shores. With so much certainty, indeed, can the movements of such a body be regulated that from different quarters its component parts might arrive at the point of disembarkation without any difference in point of time. That is the state of things, my

---

future combination between Italy and France, unless her fleet be kept up to a very much higher standard than at present?

Lords, with which we have to deal. . . . I do not mean for a moment to say that there is no risk in such an adventure as that against which I would call upon you to be on your guard. No great military enterprise can ever be undertaken without some risk; but I believe from all I have read and heard, and from all the consideration which I have been able to give to the subject, that the risk in the case to which I am adverting, is much less than it has been in many instances in which the result has been attended with success. What, then, my Lords, does it become our duty to do? What precautions does it behove us to take? What force ought we to maintain in order to be prepared for any emergency which may arise? My answer is, a force of regular troops—not volunteers—not undisciplined men; but, I repeat, a force of regular troops, capable of opposing any military force which in all probability can be landed on our shores. It is absolutely imperative upon us to maintain such a force. It is a duty which we owe to ourselves. It is a duty which we owe to the character of our country. . . .

"Every observation, my Lords, which I have made on this subject applies as well to Ireland as to this country. Perhaps the precautions which I have indicated may be even more necessary in the case of the former than the latter. Ireland may possibly be looked upon on the other side of the Channel as one of the 'oppressed nationalities,' as a country trampled upon by a nation differing from her in customs, in language, and in religion. We cannot tell what misrepresentations may be made. We must, at all events, my Lords, provide equally for the safety of Ireland as for our own. . . . If we wish to live in security, to maintain our interests abroad, to uphold the honour of the nation, we must be willing to make every exertion necessary for the accomplishment of an object something like that which I have pointed out. . . .

"But I may be asked, 'Why do you think such measures requisite? Are we not in alliance with France? Are we not on terms of friendship with Russia? What other Power can molest us?' To these questions, my Lords, my answer shall be a short and simple one. I will not consent to live in dependence on the friendship or the forbearance of any country. I rely solely on my own vigour, my own exertion, and

my own intelligence. If I am asked, 'Will you not rely upon the assurances and the courtesies of the Emperor Napoleon?' I reply with confidence that I cannot place reliance in him, because he is in a situation in which he cannot place reliance on himself. He is in a situation in which he must be governed by circumstances, and I will not consent that the safety of this country should depend on such contingency. My Lords, self-reliance is the best road to distinction in private life. It is equally essential to the character and to the grandeur of a nation. It will be necessary for our defence, as I have already stated, that we should have a military force sufficient to cope with any Power or combination of Powers that may be brought against us. I know there will be great opposition to the expense. I feel and observe this. But look at the opposite coast. An army of 600,000 men, admirably disciplined, admirably organised, superior to any other force of the same kind in Europe, lies within a few hours' sail of our own shores. That army is composed of brave troops, skilful, well commanded, eager for conflict, enthusiastic, fond of adventure, thirsting for glory, and, above all, for military glory. . . . Are we to sit supine on our own shores, and not to prepare the means necessary in case of war to resist that Power? I do not wish to say that we should do this for any aggressive purpose. What I insist upon is that we are bound to make every effort necessary for our own shelter and protection. Beside this the question of expense and of money sinks into insignificance. It is the price we must pay for our insurance, and it is but a moderate price for so important an insurance.

"I know there are persons who will say, 'Let us run the risk.' Be it so. But, my Lords, if the calamity should come, if the conflagration should take place, what words can describe the extent of the calamity, or what imagination can paint the overwhelming ruin that would fall upon us. I shall be told, perhaps, that these are the timid counsels of old age. My Lords, for myself, I should run no risk. Personally, I have nothing to fear. But to point out possible peril and how to guard effectively against it, that is surely to be considered, not as timidity, but as the dictates of wisdom and prudence. I have confined myself to facts that cannot be disputed. I think I have confined myself also to inferences which no man

can successfully contravene. I hope what I have said has been in accordance with your feelings and opinions. I shall terminate what I have to say in two emphatic words, words of solemn and most significant import—*Væ victis?*"

As the aged statesman sank into his seat, the House resounded with cheers. All present viewed with admiration the man who, conquering the infirmities of age, had stepped forward to warn his country of its danger, and to silence by his strong sense and masculine eloquence the men who were preaching peace when there was no peace. The appeal was not in vain. His eloquence went right to the heart of the nation, and the response came in the movement for founding a volunteer force, to which England may now look with some confidence in the hour of need.

The speech, and the general sympathy which it evoked, excited the indignation of the leaders of that party which, in defiance of all experience, believes that the way to prevent war is to disarm, and it was denounced by one of their leaders in the House of Commons as the dotage of an old man, preaching doctrines "not suited to the present day and the present enlightened state of society." The old man was not to be so put down. A few nights afterwards (25th July) he called attention to what had been said of him, and then added, with the full sympathy of his audience—

I do not believe that any man who has the heart of an Englishman would have dissented from the statement which I made. My Lords, it is very well for Englishmen in private life, when they are smitten upon one cheek, to turn the other cheek to the smiter. But that is not my feeling, and least of all ought it to be the feeling of a great and powerful nation. My Lords, I might cite a passage from an eminent orator—

an Athenian orator—which I think somewhat in point. He says in substance, "Nations build large fortresses and lay out great sums of money for that purpose; but there is one common bulwark which every prudent man will take care to maintain. It is the great security of all nations, particularly of free states, against foreign despotic power." He goes on to ask, "What is this?" The answer he gives is, "Distrust, distrust. Be mindful of that, adhere to it, and you will be free from almost every calamity."

These words, as indeed the whole of the speech, of which large but still imperfect extracts have been given, can at no time be inopportune. We cannot be too often reminded that England will maintain her place at the head of the nations, and preserve her colonies and dependencies, on which so much of her wealth and prosperity depends, on no condition short of being able to hold them by force, if need be, against all comers. The events that followed each other in quick succession in Europe soon after these memorable words were spoken are but the types of what are sure to follow, as long as one nation has what another nation has not, but covets; and as England owns more of those possessions which other nations covet most than any other country, she must not expect to continue to hold them without paying amply for insurance.

Lord Lyndhurst was much pleased with the zeal with which people throughout England and Scotland set to work to organise volunteer corps. On the 15th of September he writes from Cowes, where he was making holiday, to Lord Campbell, who was then in Scotland—

Are the people of the North enrolling themselves in rifle corps? and with activity, or sluggishly? We may have much on our hands, and much out of our pockets. A Chinese war, uncomfortable condition of India, a Reform Bill pending, the proposed new constituencies on strike, Italy

unsettled, Lord John Russell Foreign Minister. What can you want more? But Brougham on the 10th of October will settle all. So be confident and easy.

Lyndhurst had been amused at Campbell's following the example of Brougham when Chancellor, and carrying off the Great Seal with him to Scotland. "Have you," he wrote to Campbell (5th September, 1859), "forgotten the lecture read by King William IV., of glorious memory (I say of glorious memory, because he was the distinguished patron of the Reform Bill of 1830)—the lecture he read to Brougham for his irregular conduct? You appear to have followed the precedent, but without much fear of the lecture being repeated under a wiser rule." He recurs to the subject in the following letter of good-humoured badinage—

St. Leonards-on-Sea, October 13, 1859.

My dear Lord Chancellor,—I congratulate you warmly on the marriage of your daughter. The marriage of a daughter is both an anxious and happy event in a family. I am pleased to find you have returned from that horrid Scotland. Some people said, as you had taken the Great Seal with you, that you intended to persuade the Queen to transfer the seat of government to the modern Athens. I was afraid, as you had accomplished all the usual objects of a lawyer's ambition, that you intended to settle down in the country of your birth, recollecting the lines, I think, of Goldsmith—

> "And I had hopes, a length of labour past,
> There to return, and die at home at last."

But I took a short measure of your ambition. Witness the Bedford races, and the gallant figure you are said to have there displayed! Again, why should not the double coronet be merged in an earldom? You know I am a bit of a prophet. So something is still to be done. Rest not—

> "On Moscow's walls till Gothic banners fly,
> And all be mine beneath the Polar sky."

Your great indefatigable rival is Brougham. He has spoken a world of social and physical philosophy at Bradford—old Shaftesbury in the chair; and this while you were betting odds on a racecourse! Yours faithfully.

Here is Campbell's reply—

Stratheden House, October 17, 1859.

My dear Lord Lyndhurst,—It really does my heart good to find you so full of fun and frolic. I hope to spend many many days with you after I am turned out of office. If you will undertake to deliver as many good speeches at Edinburgh as you do at Westminster, I will try whether, in justice to Scotland, the seat of government should not be changed to the North of the Tweed. I have never had any taste for an earldom since that honour was conferred upon—— I am in no danger of remorsefully saying,

"Oh, my offence is *rank*."

. . . Do you mean to attend the "Brougham banquet" on the 25th? Unless there be a previous change of Ministry I must officiate the following day in proroguing Parliament. So I have an excellent excuse. But it will not do for you to say you cannot trust yourself in "horrid Scotland," in which you must remember that B. was born and bred. Yours truly.

Lord Lyndhurst was yet to make more than one of those good speeches at Westminster to which Lord Campbell alludes. Two of them which he made the following year (1860) were far more than good. The first was on the question of our naval defences (1st of May), when he recurred to the question of the number of our ships and the deficiencies of our Naval Reserve, as contrasted with those of France.

"Let me remind you," he said, "that in the event of reverses you are not in the same situation as France would be in on the defeat of her fleet; for independently of any landing on your shores, if France were to obtain the mastery of the Channel and to blockade your ports, what becomes of the country? What becomes of your revenue? What becomes of your trade? What becomes of your means of feeding your

people? The whole kingdom would be thrown into a state of permanent confusion. . . . Under the changed circumstances of naval warfare a blow can be struck in a moment. It does not take time to prepare it. The striking of the first blow in a naval war will be almost decisive of the result. My Lords, it is our duty not to deceive ourselves—it is our duty to take care that the country is not deceived; it is our duty to meet the difficulty in a manner corresponding with the emergency."

With the peace party, who were clamorous for reducing the strength of our naval and military establishments, and trying to persuade the constituencies that the intercourse of commerce was to abolish all international feuds and jealousies, and stifle all the passions and desires out of which wars are engendered, he dealt thus towards the end of his speech—

I find that at this moment, and with this state of things existing, there is a party actively employed in the North of England in liberalising and improving, according to their sense of the term, the fiscal system of the country, with the declared object—not unsupported, I am afraid, by pretty high authority—of putting an end to all taxes on articles of consumption, and placing the taxation almost entirely on realised property according to a graduated scale. This is done with the avowed object of introducing here the social equality, or, according to the expression used by a high authority, that species of social equality which exists in France, and which is cherished in that country, regardless of civil liberty. Another object they have in view is to pull down the wealthier and aristocratic classes, who, they say, are the favourites and patrons of the army and navy, and to reduce these establishments to a lower status. So that, while the navy of France increases from year to year, while its continuance in its present strength is provided for till 1871, the navy of England is to be reduced—and for what purpose, and under what pretence? In the expectation that the nation will continue to possess the friendship of the Emperor of the French; in the expectation that, by the further exchange of cotton and pottery for wine and silks, a warm friendship may be established between this

country and France. These are the views entertained by the men who are aspiring to the government of the country—men who, if they could, would place themselves at the head of the whole power of England. They would reduce us to the state of humiliation I have described, instead of maintaining our establishments as they now exist, and holding high the honour and reputation of England.

This speech, like the speech of the preceding 5th of July, produced a great effect throughout the country, and was of signal use in strengthening the hands of that section of the Ministry, with Lord Palmerston at their head, who were hampered by the action of theoretical economists in their wish to put the national defences upon a proper footing. A few days afterwards (12th May) *Punch*, the journal which in those days, more than any other, reflected the national feeling in such matters, produced an admirable cartoon with the title, "Lyndhurst as Nestor rebukes the Chiefs," in which he is portrayed, in Grecian garb, pointing through the port-hole of a man of war at a number of our war ships lying dismasted and dismantled in harbour, to Lord Palmerston, Lord John Russell, Mr. Bright, and others, who are grouped around him.[1]

The same section of the Ministry were not less grateful to him for the assistance he gave a few weeks afterwards (21st May) in throwing out the Bill for the Abolition of the Paper Duties. By the time this Bill had reached the House of Lords, it had come to be very widely felt that, with a large deficit in the Revenue, and the necessity for the very great expenditure upon the national defences which the troubled state of Europe, and the warlike attitude of France, had rendered indispensable, an inopportune season had

[1] The portrait of Lyndhurst in this cartoon is excellent. The same number of *Punch* contains a parody of a passage in the Iliad, in which Lyndhurst's speech is very cleverly condensed.

been chosen for repealing a tax which was yielding about a million and a half of money annually. The whole power of the Press had been naturally exercised in favour of its abolition; but the large majorities in the House of Commons which had been in favour of the Bill in its earlier stages had diminished on the third reading to nine, and it was well understood that it would meet with no favour in the Upper House. "If they throw it out," Lord Palmerston wrote to the Queen, "I am bound in duty to say they will perform a good public service."[1] But meanwhile the usual outcry had been raised against the interference of the House of Lords with the decision of the House of Commons, coupled with the strongest asseverations, that, as this was a money Bill, any interference with it would be unconstitutional.

This was just such an occasion for the display of his peculiar knowledge and power of statement as Lord Lyndhurst delighted in. Feeble and unfit for any great physical exertion as he was, he yielded to the request of his friends, that he should argue the question of the right of the House of Lords to deal with the Bill. Accordingly on the 21st of May, after the debate had been opened by Lord Granville, Lord Lyndhurst,—now so weak upon his limbs that he had, on entering the House, to be assisted to his place by a brother peer—grasping the little handrail in front of his seat, raised himself with difficulty to his feet. All eyes were bent upon him, all prepared to listen intently to an exposition of precedent and argument upon the great question of privilege given with a weight of authority which no other man in England could command. Nor were they disappointed. Leaving to Lord Monteagle and others the arguments

[1] 'Life of the Prince Consort,' vol. v. p. 100.

against the Bill on the ground that the sacrifice it involved was ill-timed and inexpedient, he addressed himself solely to the point of privilege. With slow and measured utterance, he developed his argument with masterly self-possession, and with no abatement of the luminous and concentrated force of former days. When he sat down prolonged cheers greeted this remarkable display of mind triumphant over the weakness of the body; and Lord Derby gave voice to the verdict of all present, when later in the evening he spoke of "his noble and learned and venerable friend as having signalised the close that day of his eighty-eighth year of his honoured life, by a speech combining the utmost clearness and power of statement with a knowledge the most complete of the details of constitutional law and practice."

Lord Lyndhurst was to speak once again in the House which he had so often held under the spell of his strong reason and masculine eloquence. This was in the following year (7th May, 1861), on a Bill of Lord Kingsdown's for establishing the validity of Wills of Personal Estate, whether made within or beyond the domicile of the testator, so that they were executed in accordance with the law of the country in which he was living at the time. Here again no symptom of any failure in the vigour of intellect or of speech was to be perceived; and while treating the existing state of the law and its evils, and pointing out the remedy for them, with all his wonted sagacity, he enlivened a subject, not too attractive to laymen, by the same play of humour and gentle sarcasm by which his speeches in former days were so often relieved.

After this he still continued to come down upon occasion to the House of Lords; but his voice was no more heard there in debate.

CHAPTER XX.

Outbreak of Civil War in America—Lyndhurst's deep interest in it—Visits Mr. Nasmyth, and sees his Lunar Landscapes—His literary criticism—Opinion of him by Lord Granville—Brougham's estimate of Lyndhurst—Peel on Lyndhurst—Reception at Dinner at Lord Campbell's—Sketch of his private life—His religious studies and convictions—Illness and death—Opinions of the Press—Letters from the Queen, Lord Brougham, and Lord Derby—Campbell's 'Life of Lyndhurst'—Opinions of Baron Pollock and others.

GREAT as the physical strain of standing to address the House of Lords had now become, Lord Lyndhurst would obviously not have shrunk from it, had he thought that to speak there again was a matter of duty. But no occasion arose during the rest of his life to call for his intervention. He was therefore content to remain a silent spectator of the course of events, and to discuss them in private with many of the leading statesmen of the day, who sought in his society the benefit of his great experience and sagacity. The time was an anxious one for England. The American Civil War, to the approach of which he had looked forward with horror, broke out in the course of this summer (1861). The attitude of neutrality adopted by England pleased neither of the parties to the struggle, and the angry spirit which it roused among the more violent partizans of the Northern States might at any moment have involved England in war. At home, too, men looked forward with deep anxiety to the widespread misery certain to be caused among the population of our great manufacturing centres by the failure of the supplies of cotton from

the Southern States. In a crisis so serious, party strife died away, and men of all opinions were bent on co-operating in whatever policy and measures were best for the public good.

Having relations in America, to whom he was warmly attached, and loving the country and its people as he had always done, it was natural that the events there should be watched by Lord Lyndhurst with peculiar interest. He resumed his correspondence with Mr. Amory, his niece's husband, and continued it almost to the time of his death. In the earliest of these letters, written in May and June of this year, he tells Mr. Amory that the policy of the English Government will be one of "absolute neutrality and non-interference in this sad contest." He urges the propriety of treating the Southern leaders "not as rebels in the conduct of the war, but as a *de facto* government, entitled to the ordinary belligerent rights. Any other course," he adds, "will lead to unbearable evils." In a letter on the 6th of June, he says, "The almost universal feeling here is in favour of the Northern States, and that the secession is at variance with the principles of the Constitution, and not justified by any of the alleged grievances."

It will be remembered how much that feeling was shaken by the conduct of Captain Wilkes in the seizure of Messrs. Mason and Slidell. During the period of intense anxiety which elapsed until the answer came to the English demand for their surrender, Lord Lyndhurst writes to Mr. Amory (2nd January, 1862)—

"The conduct of Captain Wilkes being so flagrant a violation of international law, there is but one opinion in Europe upon the subject. To do what justice requires cannot, among reasonable men, be construed into an act of degradation. A

refusal will be immediately followed by war. I hope that event, should it unfortunately occur, will not materially interrupt our intercourse, or in any way divide the branches of our family, hitherto so united in regard and friendly feeling."

As time went on, the increasing bitterness of feeling in the Northern States against this country drew from Lord Lyndhurst the following letter—

"George Street, August 8, 1862.

"My dear Mr. Amory,—I duly received your somewhat mournful letter. Its contents were deeply interesting. Whether things will improve seems doubtful. If not, they must inevitably become worse.

"There is one thing which surprises me in all communications from the United States—that is, their constant complaint and irritation against this country. The country, as far as foreign Powers are concerned, is represented by the Government; by the Government only. The newspapers represent the opinions of individuals, according to their several views, which the Government has no power to direct or to restrain. Now what has been the conduct of our Government in this terrible conflict? Perfect and disinterested neutrality! A neutrality far more advantageous to the North than to the South. A neutrality under which our operatives are suffering the severest privations, almost without murmuring, and which, great as the evil is, have not the slightest effect in inducing the Government or Parliament to change its policy. Of what then do the Northern States complain? What act has been committed by England affording any reasonable ground of complaint?

"For any wrong done, the Government is always ready to afford redress. Every complaint is listened to, where any cause exists, with temper and patience, and with every desire to do justice.

"In a struggle of this fearful nature, individuals will form their own opinions. They must be permitted to do so. It would be inconsistent with the principles of a free government, like that of the United States, to wish to put a restraint upon the expression of that opinion. But it is to the acts

and language of the Government, and not to the opinions of this or that individual, that the Northerners, as a community, should look, as the just grounds for their favour or enmity. Excuse this loose preaching, and believe me to be, ever yours."

Another letter of Lord Lyndhurst's to Mr. Amory on the same subject, almost the last letter that he wrote (24th April, 1863), has been preserved.

"The state of affairs between the two countries," he writes, "is becoming very uncomfortable, not to say alarming. The seizure of our vessels, bound to neutral ports, has produced as its effect great and general irritation, and led to violent speeches in Parliament, and abusive articles in our newspapers, short only of the tone of some declaimers in Congress, in public meetings, and papers, on your side of the Atlantic. I anxiously hope that the moderation of our respective governments may be such as to allay this ferment, and to keep us out of the calamity of war."

Sir Henry Holland ('Recollections,' p. 202) says, that the last time he saw Lord Lyndhurst was a day or two before embarking for America in 1863. "He was deeply interested in the events of the Civil War there; and, though born in Massachusetts, a warm partizan of the South." In this Sir Henry was entirely mistaken. Lord Lyndhurst's sympathies were all with the North. "He begged me to come to him immediately on my return, to tell what I had witnessed on the scene of warfare, as well as in the country at large. Passing by his house a few days after my return to London, I found a hatchment just placed on the wall. He had died ten days before."

Sir Henry Holland had for some years been on terms of intimacy with Lord Lyndhurst. They had first come across each other under circumstances which, as Sir Henry Holland himself says, did not "seem a

probable foundation for friendship," when it fell to Sir John Copley's lot to cross-examine the future eminent physician at the trial of Queen Caroline; yet this, he adds, "was my first relation to him, ripening soon into closer intimacy and frequent intercourse." In the latter part of the ex-Chancellor's life, Sir Henry says, he usually passed an hour with him once a week. Here again Sir Henry Holland's memory must have failed him. We are able to state, upon the best authority, that Sir Henry's visits were short and far between. "I never knew," he says, "a case in which the mental faculties, memory included, were so little altered or touched by age." Among the many topics discussed between them literature was sure to occupy a chief place. A memorandum of Lord Lyndhurst's, dated 24th October, 1861, is interesting as an evidence of his keen critical faculty. "Sir Henry Holland," it bears, "referred me to two passages in 'Troilus and Cressida' which he said Fox considered as eminently beautiful. One in act i. scene 3, as to the necessity of degrees and subordination, to secure public strength and safety." [This is the speech of Ulysses, beginning, "Troy, yet upon his basis, had been down," and ending, "Troy in our weakness stands, not in her strength."] "The other in act iii. scene 3, as to continued action being required to maintain a name with the public. To withdraw is fatal." [This is the speech of Ulysses to Achilles, beginning, "Time hath, my lord, a wallet on his back."] "*I think the passages too much beat out.*" The criticism is characteristic of the man, who, of all the men of his time, was foremost in putting the largest amount of fact and argument into the fewest words. Fine as both the passages are, yet such is their exuberance of imagery and suggestion, that the criticism must be admitted to be just.

We get another glimpse of the activity and grasp of Lord Lyndhurst's mind in the August of this same year (1861) in the following account by Mr. James Nasmyth of the impression produced upon him, on the occasion of Lord Lyndhurst visiting him at Penshurst, and being shown the large drawings of the moon's surface as revealed by Mr. Nasmyth's powerful telescope.

"It was to me," Mr. Nasmyth writes, "the highest privilege to present to his wonderfully clear judgment the conclusions I had arrived at, by a series of long-continued observations, of the moon's wonderful surface—observations rendered all the more perfect by the great advantage the moon's monthly reappearance yields us in revising over and over again our former observations, and thus in a manner cross-questioning her in our observatories as in a witness-box.

"The cogency of the questions that Lord Lyndhurst put to me, as I laid before him these accurate, detailed, graphic representations of what the telescope had revealed to me, was a treat to me beyond expression. His questions followed each other in so clear and systematic a manner as to show that I had a wonderfully intelligent and apt listener. He appeared to be specially struck with my remarks as to the special and terrible aspect of Lunar Scenery, lit up with sunshine far exceeding in brilliancy that on the earth, and rendered so 'unearthly' by the contrast with the eternally black lunar heavens, with all the stars shining with enhanced and steady brightness by reason of the total absence of an atmosphere round the moon. I may also add, that when I pointed out to him that the marvellously distinct details of the lunar surface, which a powerful telescope reveals to us, are of an antiquity that infinitely transcends those of the earth's crust's oldest formations, he caught up this special part of the subject as one that to him exceeded all the others in profound interest.

"What above all I was most impressed with was his wonderful aptitude to grasp at once the details of a

subject that to most others would require a long course of special study."[1]

The discoveries of modern science, as well as the best literature of the day, engaged the attention of the old man, as he sat in his favourite room, that which had once been his father's painting-room, surrounded by his father's pictures and sketches, which were to him precious memorials of the past. His library was not large, but it was both well chosen and well used, and he delighted to renew his acquaintance with the volumes of old writers, on which his youth had been nurtured. To talk of them was one of his great pleasures. It was probably after some such conversation with Mr. Gladstone, that he wrote to him—"I send you 'Gibbon's Vindication,' which I read with much enjoyment seventy years ago. Some parts may amuse you. With a little curtailment, it would have made a good speech for a literary audience."

He would sometimes also surprise and delight his friends by reciting long passages from his favourite poets. Thus his niece, Mrs. Amory, records that, one day when some one had quoted a line from Pope's 'Rape of the Lock,' he went on repeating large portions of the poem without the slightest apparent effort, and with admirable expression. It was his habit in the last two or three years of his life to test his memory by repeating long passages from the Latin poets, and especially from Horace, of which he had retained the remembrance since his college days. His reasoning powers he also tested by working out problems in the higher mathematics.

A good new book was always welcome, and, if of a light texture, it was hailed as a relief from the graver studies, which his interest in all great political

[1] Letter to Lady Lyndhurst, 8th October, 1883.

questions rendered indispensable. One day his niece, on entering his room, found him immersed in a ponderous legal folio. On her remarking that she supposed this was his favourite study, he replied, drawing out at the same time a small volume from under it, "I like this far better: so well, I wish you would read it; it reminds me of my boyhood." The book was 'Tom Brown's School Days.'

Mr. Gladstone sent him, in 1860, a volume published not long before, called 'The Statesmen of America.' In returning it, he says, "The speech in defence of Freeman is refined, philosophical and eloquent, much beyond what I had ascribed to either the statesmen or the lawyers of America. We should find it difficult, if not impossible, to rival it at our Bar."

When Mr. Gladstone printed his translation of the first book of the Iliad, and sent it to Lord Lyndhurst, it drew from the old man, then in his ninety-first year, the following letter. The accident to which it alludes was one which had happened some days before to Mr. Gladstone, when riding in Hyde Park.

"George Street, April 6 [1863].

"My dear Gladstone,—We are very sorry for your accident, but rejoice that the consequence is not likely to be serious. What should we do with the *surplus* without you?

"I return with thanks the translation. It is a remarkable effort of ingenuity—literal almost to a word and in a poetical form. But is the trochee suited to our heroic verse? Its real character is, in some degree, disguised by your mode of printing the lines. If the usual mode were adopted, the defect would at once appear.

'Of Achilles, son of Peleus,
How the deadly wrath arose,
How the hosts of the Achaians
Rued it with ten thousand woes,

'How the wraiths of stalwart heroes
Hades got before his day,
Left themselves, for dogs to feed on,
And for every bird of prey,' &c.

"Written and read in this way, it has a sort of ballad air. If I am wrong, correct me. Perhaps I have been too long accustomed to the Iambic measure with variations as best suited to English heroic poetry, to be able to form a correct judgment. I see everything too calmly not to be open to conviction. As an example of trochaic lines, there are several in Dryden's 'Alexander's Feast.'

'Bacchus, ever fair and young,
Drunken joys did first ordain,' &c.

'Softly sweet in Lydian measure,
Soon he soothed his soul to pleasure,' &c.

"I shall hope to talk over this subject with you when you are able to get out, and have leisure for such idle matters.

"We regret losing your company at dinner, and especially for the cause. Yours faithfully."

Mr. Gladstone thought so highly of this criticism that he wrote back asking permission to print it in a contemplated preface to his translation. "It is not," he said, "from a mere wish to parade you as my correspondent, though this may have its share. Your observation on my metre, which has great force, cuts, I think, deep into the pith of the matter—into the principles of Homeric translation. So, pray, let me have your permission."

Lord Lyndhurst's study was in these later days the resort of leading men of both parties, to whom his advice on critical public questions was of the greatest value, given as it was without party bias of any kind. It is delightful to read such a tribute to his memory as this from Lord Granville in a recent letter to Lady Lyndhurst (8th October, 1883)—

"During Lord Lyndhurst's dignified and serene old age, made happy by you, his kindness and friendship to me was without limit. I have often said with truth, that even in my political career I never received more encouragement from any one of my own party than I did from your husband; and on several occasions, with the knowledge of my chiefs, I consulted him, and always received excellent advice.

"You are aware how often he admitted me to his house, and I need not remind you how charming was his conversation, so natural and cheerful, so pointed, and yet entirely free from personal vanity. It often reminded me of that of Lord Melbourne—both apt to hit the nail on the head without any regard for the commonplace and conventional view of a subject."

Here, too, is an interesting contribution by Mr. Gladstone, also recent (31st August, 1883), to the estimate of Lord Lyndhurst's character. The anecdote, he says, writing to Lady Lyndhurst, "I think, is well worth recording."

"It was at the time either of the life peerage given to Lord Wensleydale, or of the Conspiracy Bill, I cannot say which. I called on Lord Lyndhurst, wishing to get legal light upon the question. Either Brougham was there, or he came in soon. Lord Lyndhurst expounded the matter in the most luminous way from his point of view. Brougham went into raptures, and used these words: 'I tell you what, Lyndhurst, I wish I could make an exchange with you. I would give you some of my walking power, and you should give me some of your b.ains.'

"I have often told the story with this brief commentary, that the compliment was the highest I have ever known to be paid by one human being to another."

Mr. Gladstone in the same letter incidentally gives a striking illustration of what we have had occasion to say before as to the high estimation in which Lord Lyndhurst was held by Sir Robert Peel as a coadjutor in the Cabinet.

"I have often compared Lord Lyndhurst in my own mind with other men who since his time have been my colleagues in the Cabinet, much to the disadvantage in certain respects of some of them. Once I remember in the Peel Cabinet the conversation happened to touch some man (there are such!) who was too fond of making difficulties. Peel said to your husband, 'That is not your way, Lyndhurst.' Of all the intellects I have ever known, his, I think, worked with the least friction."

Turning from what Lord Brougham said, as reported by Mr. Gladstone, to what he wrote of Lord Lyndhurst in his own 'Memoirs,' his expressions are remarkable, especially taken in connection with the uniform testimony borne by all who knew Lord Lyndhurst to his kindliness, his warm appreciation of merit in other men, and the absence in him of anything like self-assertion. He says, "After long and certainly very great intimacy with him, my opinion of him is, that he looked up to nobody, or rather, I should say, he held all men very cheap." Sir Henry Holland says something to the same effect ('Recollections,' p. 201): "Lord Lyndhurst's intellect would have been more fruitful, had he been less subtle and sceptical. He lost something of the real by his too keen perception of what is hollow and fantastic in human affairs. He was more amused than disquieted by the foibles and errors of those around him; and this during his more active political life." If such were indeed the tendency of his mind, how good a heart must he have had to make all round him love him as he was loved! How differently would he have been regarded, had his been the spirit of Mephistopheles, which some of his political adversaries attributed to him! It may, we think, be open to doubt whether Sir Henry Holland, amiable and accomplished as he was, could thoroughly

gauge a character so exceptional, and compounded of such various elements, as that of Lord Lyndhurst, of whose inner life he had no means of judging. But to return to Lord Brougham.

"In truth," he adds, "Lyndhurst was so immeasurably superior to his contemporaries, and indeed to almost all who had gone before him, that he might well be pardoned for looking down rather than praising. Nevertheless, he was tolerably fair in the estimate he formed of character; and, being perfectly free from all jealousy or petty spite, he was always ready to admit merit where it existed. Whatever he may have thought or said of his contemporaries, whether in politics or at the Bar, I do not think his manners were ever offensive to anybody, for he was kind and genial. His good nature was perfect, and he had neither nonsense nor cant, any more than he had littleness or spite, in his composition." ('Memoirs,' vol. iii. p. 437.)

The Bar and Bench were alike proud of him, and with reason. He was no less proud of the profession which he had helped to adorn, nor did he ever fail to uphold its interests or to speak words of kindly encouragement to those who were striving in the same honourable field. Of the honour in which he was held by his brethren of the bench a striking illustration is given in a letter published by the editress of Lord Campbell's 'Life of Lyndhurst.' A dinner had been given (20th June, 1860) by Lord Campbell to the greatest lawyers of the day, among whom was Lord Lyndhurst. Eight years afterwards Lord Moncreiff, who was one of the guests, wrote of it thus—

"It was a very remarkable party, from the distinction and age of many of those present, and the vivacity and interest of the conversation. I remember well that Lord Lyndhurst was unusually lively and agreeable. That which dwells on my memory is his leave-taking. He rose to leave the room before the rest of the party—but all the rest rose too—and there was

something like a cheer from the others as he went out. I thought that the old man was fatigued and was retiring early; but it turned out he was going on to a party at Apsley House. . . . There was something almost affecting in the deference and respect, as to one entitled to the reverence due to age, paid by men like Lord Campbell, Lord Wensleydale, and Lord Cranworth—all of whom were far advanced in life."

Such was Lord Lyndhurst as he appeared to the outside world. What was he in his home, for it is there that the genuine nature of the man is best seen? A charming sketch of him, as he showed himself there, has been placed at our disposal. It is contained in a letter to Sir Edmund Beckett by Miss Stewart, a lady who lived as governess and companion to Lord Lyndhurst's daughters for many years, and whom he held in high regard for her ability, as well as for an almost encyclopedic range of information, on which he was often glad to draw.

"It is a pleasure to me to give, as you ask me, some anecdotes of Lord Lyndhurst's domestic life.

"I knew him only by reputation, till he had entered upon his last Chancellorship, when he was well striken in years, but when he still retained the glow of mental youth. He was one of those who die without passing through the dimness of age—the ready jest and the ringing laugh were his, almost to the very last, prompt on the instant to spring up in answer to the wit or the folly that presented itself. But he was 'wise in council' in his own familiar circle, as well as when he sat among 'the most wise and potent signors' of the Senate, defeating them, too, as often with the arrows of his wit, as with the heavier weapons of reason and experience. He had the great gift of a sympathetic nature, which, while it was felt without, is the very essence of the life at home.

"This slight contribution to Sir Theodore Martin's 'Memoir of Lord Lyndhurst' is not, however, meant to be simply a panegyric, but to indicate, as the often quoted straws indicate, the direction of the current of his home life.

"I daresay he had a great many public enemies, but no man could have more friends in his own private circle. His kindly humour was irresistible, and he delighted in testing its power. I remember his first essay of it on me, when I was rather alarmed at having to be his partner at whist. I pleaded in vain my ignoranee. I assured him that 'to follow suit' was the only rule of whist I knew. 'You are to play with me.' I saw his eyes twinkle at some of my blunders, but he did not expose them, while he perceived that I was afraid of his being annoyed by them. When, however, I made a second revoke, there came a hearty peal of laughter, and afterwards, 'Your play is more amusing than that of the most famous players.' I was not slow to join in his merriment, and I felt, in that slight incident, how easily he could bring people to like him.

"Lord Lyndhurst's wonderful memory and pure elocution made his long quotations from Pope and Goldsmith, and other poets of his own generation, a perfect delight to all listeners. The clear musical voice and faultless intonation gave a fresh charm to the passages he declaimed, either *à propos* to something in the passing conversation, or as they crossed his mind during a pause in it. Once, when driving with him alone from Henley to Turville, he recited nearly the whole of 'The Deserted Village,' to my great enjoyment and astonishment. 'Some people would call me a bore for doing that, but I can see you do not.' It was, of course, a great treat to me.

"There was a very deep and strong attachment between him and his aged unmarried sister, who lived in his family. She literally worshipped him, and would have put her hand into the fire at his bidding. This affection was the greatest treasure of her quiet unselfish existence. He played backgammon with her almost every evening, before joining in any other game, or in conversation with those present. It was fun to me to watch the barefaced manner in which he cheated her, and the many side glances that revealed his treachery to lookers-on. At last she would find him out, and loud and long was his burst of laughter, sweet music to the dear old lady. There was always a tenderness in his voice when he said 'Auntie,' her name in the household. Once, when she was thought to be dangerously ill, I met him coming out of her

room. He was in tears. 'My sister and I have been very fond of each other; we have lived all our lives together,' he said.[1]

"Like many persons whose chief occupation lay in politics and official duties, Lord Lyndhurst was fond of the country, and took great pleasure in his house and farm at Turville. The house was situated on the common of the same name, in a picturesque and well-wooded neighbourhood. He liked farming, but, I believe, did not make it profitable, for he was more curious in experiments than fortunate in bringing good crops from his land. I have often been amused by playful contests between him and his lively and devoted wife on the mysteries of manuring and cattle feeding. His arguments were always the strongest, but his theories often broke down when put in practice.

"On a warm summer day he much enjoyed having the dinner-table laid under a fine spreading beech near the house, and would be overflowing in talk and spirits during the repast. One day, when thus *al fresco*, just as we were sitting down, a thrush, undisturbed by our presence, trilled out from its hidden bough its lovely song, as it seemed to us with unusual clearness and sweetness. 'The thrush says grace for us,' said my lord, and the bird, as if in answer, took up again its joyous carol. I could see that Lord Lyndhurst was quite affected by it. I have often known slight things of this kind bring thoughts, that were close upon tears, into his mind.

"For some years before his death Lord Lyndhurst was becoming blind in both his eyes from cataract. The threatening of this great calamity he bore with calmness and much patience. He would say, 'If I do not recover my sight by the operation for cataract, the doctors assure me that I shall not have a *black blindness*, I shall be conscious of light.' When the blindness came, he had every alleviation that could be devised for his great deprivation. Besides his devoted wife's unremitting attendance on him, his many friends dropped in, at all times, to bring the newest news, and politics national and social. Lord Brougham was exceedingly at-

[1] This lady survived her brother, and died 23rd April, 1869, in her 96th year. Her sister, Mrs. Greene, although two years his senior, also survived Lord Lyndhurst, and died at Boston, Massachusetts, in February, 1866, in her 97th year. Besides visiting England in 1839, Mrs. Greene came over in 1851, and again in 1855, and stayed for some time with her brother.

tentive to him in this way, and always found his mind as clear as ever, and his spirits as light. While the blindness was coming on, he employed much time in getting by heart the daily services of our Prayer Book, and the greater part of the Psalms. I believe he nearly knew them all.

"One morning I went into his room with some message or request, and was witness to a little scene that I shall never forget. He was in his easy-chair, with a grave, almost a solemn expression on his face, so intent on his employment that my presence was unnoticed. Before him, the Church Prayer Book held open by both her small hands, stood his youngest daughter of 7 or 8 years of age, hearing him repeat the prayers, and now and then prompting and correcting him. The old man, the judge and statesman, and the little child, so occupied, made a picture that could not be seen without bringing tears to the eyes. He liked no one to hear him his lesson, he said, but his little girl.

"You will consider my store of reminiscences very small, and indeed I am ashamed to find how little I have retained of the many sayings and doings which I admired, when I heard and saw them. I am the more to blame as Lord Lyndhurst was always an interesting person to me, and always very kind in talking to me. But there must be many people who were alive to the charm of his daily life at home. I hope they may have laid in a greater store of his wise and witty sayings, and of his many kindly deeds."

Unfortunately the task of writing his life has been so long delayed, that most of those who might have supplied this information have passed away.

During the latter years of his life the subject of religion occupied much of Lord Lyndhurst's thoughts, and he made an earnest study of the evidences of Christianity. When approaching ninety, says Sir Henry Holland, he exercised his mental faculties "keenly on the religious questions of the day, and especially those suggested by the volume of 'Essays and Reviews' just published. Some of these were obviously new to his thoughts, and it interested me

much to mark a mind, thus powerful, and largely exercised upon other subjects, grasping for the first time a question of evidence, such as that of Scriptural Inspiration, on which he often conversed with me." The result of these studies was a firm conviction that in the Bible were contained the issues of a Divine Revelation, and a humble belief in the great articles of the Christian faith.

And so he looked forward calmly and cheerfully to the great change, on the verge of which he had long felt himself to be standing, bearing the infirmities and some of the painful ailments of old age with a patient and reverent spirit, grateful that the brain he had so long "swayed by and the heart he bore" retained their vigour and their glow to the last. The end came gently, and was not too long delayed. He had gone in the autumn of 1863 to Tunbridge Wells, where he had often found benefit to his health. Here he was seized on the 28th of September with an illness which showed some alarming symptoms. He at once determined to return to town, and soon after his arrival there fever set in.

The dining-room of his house being large and airy was turned into his bedroom, and here the old man lay during the last days of his life surrounded by some of his father's finest pictures—links for him in the chain that had bound his days each to each from boyhood until now "in natural piety." Among them, as already mentioned in our first chapter, was the fine Family Portrait, where the three-years-old boy was looking up from his mother's lap lovingly into her face. "See, my dear," he said one day, calling his daughter to his bedside and pointing to the picture, "the difference between me *here* and *there!*"

Except for a period of not many hours, when the

fever was at its height, Lord Lyndhurst's mind was perfectly clear and self-possessed. He saw several of his more intimate friends, and received them with all his wonted sweetness and courtesy. As one of them, Mr. Alfred Montgomery, was leaving the room, after looking, as he felt, upon that never-to-be-forgotten face for the last time, he heard him whisper to Lady Lyndhurst in a tone of anxious inquiry, "Was I kind to him?" This thought for others, a quality which had distinguished him through life, shone out pre-eminently as the earth, and those he loved, were fading away from his eyes. When the supreme moment came, and his mind seemed absorbed in the contemplation of that new world on which he was about to enter, he was asked, if he was happy. "Happy? Yes, happy!" he replied, in feeble accents, but loud enough for all to hear; and then with a stronger effort he added, "Supremely happy!" Soon afterwards he passed gently and tranquilly away.

He died on the morning of the 12th of October, 1863, in the ninety-second year of his age.

His illness had been watched by the public with interest, and the next day all the leading journals teemed with tributes to his memory, each vying with the other in acknowledging how great a scholar, lawyer and statesman had been lost in him. Even the rancour was laid aside for the time of party bitterness towards the man who had been the sworn enemy of the fallacies of a false Liberalism, and of philosophical theories in which the teachings of history and of recent observation as to the instincts and selfish passions which govern mankind are ignored. There was avowedly no man left who could compare with him in the field of parliamentary debate, for accuracy or breadth of statement, for far-seeing sagacity, for

vigour and daring; and even those who denied to him, unjustly as it seems to us, depth and earnestness of political convictions, were ready to give credit to him for wise and generous and patriotic impulses in his public life. He had never practised the arts which win popularity, he had never affected enthusiasms against which his reason revolted, he had never flattered the passions or the vanity of the multitude, or gone one inch in discussing great questions of public policy beyond what his deliberate thought had satisfied him was just and prudent. So it was, that those who knew him not thought him hard and cold, selfish and unsympathetic. Those who were admitted to intimacy with him fell into no such error. In his public life, no savour of meanness or self-seeking was to be found. The day after his death, the *Times* quoted as the saying of one with whom he had crossed swords, and who therefore watched him closely, "No man was more free from corrupt motives or acted more independently of sordid influences." He was indeed, as the writer of the same article truly said, "a great, free, and clear spirit."

On the 17th of October he was buried in the Highgate cemetery quietly, as he had wished, and followed to his grave by only his relatives and most intimate friends. Next day Mr. Howarth, the rector of St. George's, Hanover Square, within a few doors of which Lord Lyndhurst had lived since boyhood, spoke of him in a funeral sermon thus. Mr. Howarth had known him long and intimately.

"'There is a great man fallen in Israel;' one, who for a lengthened period filled a large space in the public eye, and has set his mark upon his country's annals. But though he held his place to the last in the foremost rank of this

world's greatness, and felt his utmost earthly aspirations to have been more than realised, his sole ambition, during his latter years, was to be great in the sight of God.

"The path of life in which his lot was cast is, doubtless, full of peril and temptation; if from no other cause, from the overwhelming labour of thought, and absorption of time, in the weightiest secular affairs. Although the work be great, and, if well performed, entitles those who are engaged in it to rank with the chief benefactors of mankind, yet it leaves little time for direct meditation on an unseen world; and the most poignant regrets have often saddened the closing years of a life so spent, regrets for the carelessness into which such men found themselves betrayed, as touching the preparation for Death and Judgment.

"But if such regrets were felt by this distinguished public servant, they were more than equalled by his gratitude to God for the unusual prolongation of those years of retirement which placed it in his power to redeem the time. And faithfully and diligently have those years been spent. And as the day closed around him, so did the earnestness of his preparation for the night that cometh increase. When he had brought that wondrous intellect to bear exclusively upon the revelation of God in Jesus Christ, searching out Scriptural truth with that apprehensive quickness with which he had been used to search out all other truth, it was striking, indeed, to see him bow down before the 'wisdom' of the Supreme mind; anxious only 'to bring every thought into captivity to the obedience of Christ.'

"And the moral process was as striking as the mental. The natural dispositions of a kind and loving spirit were exalted into living Christian graces. Wife, children, servants, friends, all had their portion in that overflowing tenderness of heart; so that, when the inevitable hour drew nigh, he was happy in himself, and in all around him. '*Happy, supremely happy!*' were among the latest articulate sounds that came from his dying lips.

"Those who loved him have the inexpressible comfort of reflecting that his repentance was fervent, his humility deep, his faith stedfast, and his hope serene. These are the memories which he leaves behind."

Among the first to express sympathy with Lady Lyndhurst was the Queen, who wrote to her in these terms—

"Balmoral, October 16, 1863.

"Dear Lady Lyndhurst,—You will, I know, believe without my saying so, how sincere and deep my concern is at the loss of your valued, beloved, and highly-gifted husband; but I cannot refrain from repeating this personally to you. Lord Lyndhurst served the Crown so long and faithfully, and was such an authority in the country, that his Sovereign, so sorely grieved, so terribly bereaved as she is, must deeply deplore his loss and cherish his memory.

"He reached, however, an age which very few attain, and in possession of his faculties, and you must feel that God spared him to you far longer than you could have hoped, though this is no consolation for a devoted wife. You watched over him with the most tender and affectionate care, and this must be most soothing to you now. My beloved husband had a great admiration for Lord Lyndhurst, and I had hoped to see him once more, and to talk of my beloved one with him.

"Pray express my sympathy to your daughters, and hoping that your health has not suffered, and that you may be supported in this your terrible affliction, believe me, yours sincerely,

(Signed) "VICTORIA REG."

To Lord Brougham the loss of one whose society had been his chief enjoyment for many years was a heavy blow. A few days after his friend's death, he wrote to Lady Lyndhurst—

"Grafton Street, October 25.

"My dear Lady Lyndhurst,—Your kind letter has just reached me. The subject is mournful beyond description. But your account of his end comforts me greatly. I am in much better health than I have any right to expect at my age. But coming to London, and missing him who was my constant friend and companion is a very sad thing. I go out and have nowhere to go to. I hope you will not fail to let me know

when you are coming to London. We must meet, melancholy though our meeting will be. Yours most truly,

(Signed) "H. BROUGHAM."

From a letter to Lady Lyndhurst from Cannes, several months afterwards (17th March, 1864), it is obvious that Lord Brougham's first feeling was in no way assuaged.

"When I passed through London," he writes, "I called in George Street to inquire after you, but I was unwilling to give you the pain of seeing me. I assure you, I no longer look forward to London with the least comfort. It is not the same place, and I have not the same satisfaction that I had in constant intercourse with my dear friend. Even when at a distance from England, I can no longer enjoy the pleasure of his correspondence. It is a daily blank to me."

Surely these are very touching words, and mark a devotion of no ordinary kind. Among the many other private expressions of regard and sympathy which reached Lady Lyndhurst, not the least interesting is the following letter from the late Lord Derby—

"St. James's Square, June 18, 1864.

"Dear Lady Lyndhurst,—I should have hesitated to intrude upon you with a mere letter of condolence in your great bereavement, had not Lord Brougham showed to me a letter to him from yourself on the subject, fully and satisfactorily confirming the account I had previously heard from Dr. Ferguson of the happy termination of your husband's long and useful life. It is much to know that his last hours were free from bodily pain; it is much more to be assured that, having preserved to the close of a more than ordinarily extended life the powers of his vigorous intellect unclouded and unimpaired, he was permitted to pass away at last in happy and undoubting faith, peace, and hope.

"While this must be your best consolation under a bereavement which, at his advanced age, could not have been long deferred, and could hardly have been more lightly inflicted, it

cannot but be an additional source of comfort to you that in the marriage of your only remaining daughter, and birth of your grandchild, you have at once been spared cause for anxiety as to the future, and have acquired a new object of interest on which to fix your affection. That many years of peace, and even of happiness, may yet be left to you is the wish and hope of all your friends, who loved and honoured your illustrious husband, and of none more truly than of yours sincerely,

(Signed) "DERBY."

The years that followed in no way dimmed the lustre of the great name which Lord Lyndhurst had left behind him. He had passed into the roll of England's worthies, and his words were often quoted among those which she does not willingly let die; when, in an unlucky hour, a volume was in 1869 added to Lord Campbell's 'Lives of the Chancellors,' containing biographies of Lord Lyndhurst and Lord Brougham, which he had left in manuscript at his death.

Lord Campbell's intention to include these in his series was, of course, no secret to either of these distinguished men. What treatment Lord Lyndhurst, at least, anticipated at his hands may be seen from what he said to Lord Brougham in 1835, when Lord Campbell's wish to be made Master of the Rolls had been resisted by Lord Brougham. We quote from Lord Brougham's 'Memoirs' (vol. iii. pp. 434–57)—

"When in November I saw Lyndhurst, I told him. of Campbell's attempt upon the Rolls, and entered fully into all the circumstances. He said I could not possibly have acted otherwise, but added that for one reason he rather regretted what had happened, because it would to a certainty make Campbell my enemy for life. I could not see the matter in that light, but he insisted. 'Depend upon it,' said he, 'Campbell will never forgive you. In process of time Pepys

may be Chancellor and vacate the Rolls; and then what has just happened will be a reason for passing Campbell over again. He will be furious, and lay the whole blame upon you. And I'll tell you how he will pay you off. You remember Wetherell said, when the 'Lives of the Deceased Chancellors' came out, "Campbell has added a new sting to death." I predict that he will take his revenge on you by describing you with all the gall of his nature. He will write of you, *and perhaps of me, too*, with envy, hatred, malice, and all uncharitableness, for such is his nature.'"

Lord Brougham adds, "I always thought Copley was much too hard upon Campbell; yet the judgment he formed of men was generally as accurate as it was sagacious; so perhaps he was right, and I was wrong." Could Lord Brougham have seen the pictures presented of himself, and also of his friend Lord Lyndhurst in the biographies which Lord Campbell was then elaborating for publication after his death, the qualifying "perhaps" would have disappeared from this sentence.

It was well for Lord Campbell that he had passed beyond the reach of criticism before his lives of these two distinguished men appeared. The press was virtually unanimous in its condemnation of them. Men of all shades of opinion were indignant to see the reputation of two of England's foremost sons so grievously traduced. It was hard, in the gross caricature of Lord Lyndhurst in particular, for his friends to recognise the man in whose society they had delighted, before whose commanding abilities they had bowed, and whose character they had held in honour. "I do not recollect any question," wrote the late Lord Chief Baron Pollock to Lady Lyndhurst, "as to which there has been so universal an agreement of all parties as this, that Lord Campbell's

posthumous biography (which Matthew Davenport Hill calls 'a romance') has been dictated by an ill-conditioned hatred, and is very destitute of truth."

In a subsequent letter, the Chief Baron sent to Mr. Francis Barlow a Memorandum, in which he placed his opinion of the life and its author more formally on record, from which the following is an extract—

"Campbell was undoubtedly a very considerable man, with various and eminent qualifications for success in life, but he was quite as remarkable for being unscrupulous as for any other quality. He once said to me, as we sat together in the front row, talking of our common profession, 'Depend upon it, Pollock, we receive the high wages of an infamous profession!' and he acted up to his own views of it. It would be false to say he had no truth or honesty in him. He had, and he had much. He had all that was not inconsistent with his interest and personal ambition; but I think he had very little more.

"This 'Life of Lyndhurst' is, in my opinion, a most disgraceful production. It is written with the utmost possible malice and ill-will. It rakes together all the scandal and falsehood that was ever invented or written about Lord Lyndhurst, dishonestly publishing as true what is notoriously false, and insinuating by a sneer matter for which he well knew there was no pretence whatever. It is a biography written for the express purpose of degrading and vilifying a great man whom he hated, chiefly because he was aware he was largely the object of that man's contempt."

Baron Pollock had known Lord Lyndhurst well, had received much kindness from him, and admired him greatly. It was, therefore, natural that he should write in strong terms of reprobation of a book, the whole tone and scope of which betrayed a sinister and unfriendly purpose. To those who knew Lord Lyndhurst's large, generous, and unselfish nature, his fairness and liberality in the dispensation of patronage, and in the treatment of political adversaries, as well

as the patriotic spirit by which his public life was animated, it seemed incredible that so false a gloss could have been put upon his character as pervades nearly every page of Lord Campbell's book. One effect of its publication, however, was to bring to Lady Lyndhurst many tributes to the character which had been so ungenerously misrepresented. Of these none is more valuable, or was more prized, than the following from the Earl of Shaftesbury, illustrative, as he says in writing (26th July, 1871) to Lady Lyndhurst, of Lord Lyndhurst's disinterestedness and public spirit.

"In 1845, having carried the Lunacy Commission Bills through both Houses, myself being in the Commons at the time, I waited on him as Lord Chancellor, to whom the patronage was assigned, in reference to the six appointments to be made: three medical men and three barristers, each with a salary of £1500 a year. He said to me without any preliminary conversation, 'You have laboured for many years on the Commission, and have had all the task of framing and passing this Act. You must, moreover, have far more knowledge than I can have of the men who are fit for the posts, so that I must request you to undertake the duty of naming all the persons to be intrusted with this duty.'

"Few men," adds Lord Shaftesbury, "I think, would have surrendered at once and without entreaty the power of bestowing such preferments. I should add as a further proof of his sincerity, that he remarked: 'There is a medical gentleman in whom I take a great interest, and I should be glad to see him on the list, if you think him qualified for the situation.' I replied, that he was not so. 'Quite enough!' said Lord Lyndhurst. Would Lord Campbell have done the fiftieth part of this? I trow not."

The pain which the publication of Lord Campbell's posthumous volume caused to Lady Lyndhurst, and to the other members of Lord Lyndhurst's family, may

be imagined. Circumstances, which it is unnecessary to mention, have hitherto prevented any authentic record of his life from being published. The writer of this volume had not the happiness, nor the honour to know Lord Lyndhurst; but he had watched his later years with admiration, and he has done his best to tell the story of his life simply, and as it has presented itself to him in the course of his researches.

APPENDIX.

WE are enabled, by the kindness of Dr. James Macaulay, to publish the following interesting extract from an unpublished portion of the Autobiography of the late William Jerdan. It corroborates the statements in the text as to the very limited means of the Copley family, and the efforts necessary to enable young Copley to pursue his studies at the University. It is also interesting as fixing upon young Copley the authorship of the only purely literary work to which he ever set his hand.

Mr. Copley, the father of Lord Lyndhurst, rising to eminence as a painter, was earnestly pursuing his profession towards the close of the last century; and, like many an excellent artist, before and since, was sometimes less fully provided with the ready means than the occasion might require. On one such I have perused a letter from him, to an eminent engraver, in which he tells of his son John's honourable career at the University, and its promise of future success, and, in order that it may not be interrupted, requests his correspondent to oblige him (which he hopes he can do without inconvenience) by renewing the bill for £40 which is then falling due. On so slender an accommodation, perhaps, did the fate of the young student depend, and all his legal greatness and historical eminence might have been blighted in the flowering from two months lack of £40. From the style of expression in the letter, such a conclusion was obvious.

The next particular I have to notice was the first appearance of the future peer in print. In the grand fracas which occurred in the Royal Academy at the beginning of the

present century, Mr. Copley took a prominent part.[1] It was natural he should seek the aid of his accomplished son, and accordingly he wrote and published (without his name) an able pamphlet on the occasion. The pith of the dispute did not languish in his advocacy, but stood out as pretty an artist quarrel as any one could wish to see.

This being the first appearance of the future Lord Chancellor in print, and my copy being probably rare, if not unique, I may be excused for giving a brief account of it. It is entitled, "A Concise Vindication of the Conduct of the Five Suspended Members of the Council of the Royal Academy. By Authority." (The last two words in black letter.) There is a Latin epigraph on the title-page.

"Vis Consili (?) expers mole ruit sua;
Vim temperatam Di quoque provehunt
In majus."

It is printed for John Stockdale, Piccadilly, and published at the price of one shilling in 1804, the year after that in which Mr. John Copley, the author, was called to the Bar. (A mistake: he was called in June, 1804.)

The pamphlet professes to be "purely defensive," but nevertheless does not fail to carry the war into the enemy's quarters. The five members, who were a majority of the Council, but suspended by a vote of the *General Assembly*, were John Singleton Copley, James Wyatt, John Yenn, John Soane, and Sir Francis Bourgeois, the founder of the Dulwich Gallery. The humiliating sentence made a great noise on the continent of Europe; but the writer more sharply complains of its having crossed the Atlantic to America, the "terra altrix" of the President (his father), and been inserted in the periodical publications of that country.

[1] The cause of this dispute was an attempt by the General Assembly of the Royal Academy to deprive the Council of the right to direct and administer the affairs of the Society. On the 30th of May, 1803, the five members of the Council mentioned in the text were suspended *pro. tem.* by a resolution of the General Assembly. The suspended members appealed to the King, who, after taking the advice of a high legal authority, intimated his disapproval of the conduct of the General Assembly in censuring and suspending the five members, and ordered and directed that "all the matters relative to the proceedings should be expunged from the Minutes of the Royal Academy." (See Sandby's 'History of the Royal Academy of Arts,' Vol. I., p. 265.) Copley was answered by an anonymous writer in a brochure entitled 'A Concise Review' of Copley's Pamphlet.

The quarrel resulted in a dispute upon the powers relatively possessed by the Council of Nine, and the General Assembly of the Forty, according to the constitution of the Academy, "framed under the immediate direction of His Majesty, and submitted to one of the highest legal characters of the country previously to the establishment of the Institution." The adversaries of the Council are stated to have been a party, which formed and acquired considerable strength and influence during the Presidency of Sir Joshua Reynolds, and attacked him in so violent and indecent a manner, that he retired from the office, and was only persuaded to return to it by the loud expression of public opinion. On his death the party renewed its operations, and by degrees enlisted a majority in the General Assembly. Led by Mr. Joseph Farington, principally known as the designer of drawings for the Britannia Depicta, strongly supported by Mr. Dance, the architect (both of whom are unsparingly stigmatised), they endeavoured to carry matters with a high hand, and a variety of fierce struggles and passionate proceedings ensued; till at last an appeal was made to the King, and he re-established the turbulent Academy in its original constitutional position by deciding in favour of the Council. His Majesty directed that all the Minutes, Resolves, and other transactions of the General Body respecting the censure and suspension should be expunged from the recollection of the Royal Academy, and ordered other matters to be obliterated, as it was his desire to restore harmony, and see it continued among the Academicians.

It is but fair to notice that in the minority of the General Assembly who voted on the side of the Council there appear the celebrated names of P. Sandby, Cosway, De Lowtherbourg, Rigaud, Beechey, Wilton Richards (Secretary), and Tresham. West, the President, is described as acting in concert with the leaders of the party, and severely censured for his conduct.

I trust it will not be considered out of place if I transcribe one page of the Pamphlet, as an example of the youthful talent of its celebrated author.

Extract.

"The attention which the Sovereign, amidst so many other important cares, has condescended to bestow on this

subject will be felt and acknowledged with gratitude by the nation. His Majesty, sensible of the importance of this establishment, because he had attentively observed its beneficial effects upon the growth and progress of the Arts, has been anxious that no unnecessary and wanton innovation should endanger the further extention of those advantages of which it has already been productive. The foundation of this liberal school was among the first and favourite acts of his patriotic and benevolent reign. Previously to its establishment the imitative arts were scarcely known among us. In literature—in the extensive and varied circle of the sciences—we had long stood upon a proud and commanding eminence. In the arts alone England was confessedly inferior to the rival nations of Europe. Forty years have not elapsed since the foundation of this Institution, and the British School has already risen to deserved distinction and celebrity. There was nothing, then, averse in the character and genius of the country—nothing in the frame and constitution of its government. Taste, industry, invention—all the requisites to excellence—were liberally diffused among us. But the directing spirit had slumbered for ages in a state of inertness and torpor. Aroused at length, and invigorated by the influence of a generous and exalted patronage, she now unfolds her latent powers; and, quickened into active existence, has pointed out a new and liberal source of wealth and distinction."

"Through the rude chaos thus the morning light
Shot the first ray, that pierced the native night."

I cannot help fancying I perceive a foretaste of the future Lord Chancellor in this early exercise of his talents with the pen and first appearance in print.

So far Mr. Jerdan. We may add, that no account of the rise, progress, and working of the Royal Academy will anywhere be found, so copious, yet concise, as in the speech delivered on the 4th of March, 1859, by Lord Lyndhurst in the House of Lords, when the proposed removal of the Academy from the National Gallery to Burlington House was under discussion. The case of the Royal Academy had been placed in his hands, and had brought him into close communication with its members. What he heard from

them, he said, "recalled to his recollection many circumstances of his early life, when he attended the lectures of Sir Joshua Reynolds, of Mr. Barry, and other professors, when he was very much associated and very conversant with the proceedings of the Royal Academy, and when he was intimately acquainted with many of its members." ('Hansard,' vol. cliii. 1242.) This was spoken fifty-five years after the publication of his pamphlet; but the facts of the early history of the Academy are given in the speech with as much freshness and fluency as if they were of recent occurrence.

The Academy lost by their own act the honour of having had Copley enrolled upon their Records as their Professor of Ancient Literature. When the office became vacant in 1801, by the death of Mr. Langton, Copley offered himself as a candidate for it in the following letter—

Middle Temple, December 31, 1801.

Gentlemen,—I have ventured to take the liberty of proposing myself as a candidate to fill the situation of Professor of Ancient Literature to the Royal Academy, vacant by the death of Mr. Langton. With respect to my qualifications for such an appointment, in every view so truly honourable, it certainly would not be becoming in me to speak; but I may perhaps without impropriety express a hope that, as a member of one of the Universities of Europe, and as having been always closely connected with the Arts, I shall not be thought to reflect discredit upon an Institution which stands so high in the estimation of the world, if through your favour I should be so happy as to succeed in obtaining this object of my ambition. I am, Gentlemen, with sentiments of the highest respect, your most obedient and devoted servant,

(Signed) J. COPLEY, JUNR.

Dr. Charles Burney was also a candidate for the Professorship, and was elected on the 15th of January, 1803, having secured fifteen votes as against eight for Copley.

INDEX.

ABERCROMBIE, General Sir R., sails for Egypt in 1801..79, 81
Aberdeen, Lord, on Lord Lyndhurst accepting the office of Chief Baron, 275
Academical Debating Society, the, 145, *n.*
Academy, Royal, young Copley's pamphlet in vindication of suspended members of, 524; young Copley applies for Professorship of Ancient History to, 527
Adolphus, Mr., 177
Alexandria on the Potomac, 59
Algeciras Bay, naval action at, 84
Althorp, Lord, indispensable in forming the Melbourne Ministry, 319
American Civil War, outbreak of, 496
Amory, Mr., letters from Lord Lyndhurst, 497–499

BALZAC, Lyndhurst on, 368
Barlow, Mr. Francis, letters from Lord Lyndhurst, 370, 383, 388–390
Beacon Hill Estate Case, the, compromise effected by young Copley, 56–67
Bellward, Dr. Richard, Copley's letters from America to, 56–67
Bennet, Mr., describes Copley at the Court of Common Pleas, 113
Bentinck, Lord George, his attack on Lord Lyndhurst, 422
Bode, Baron de, his case undertaken by Lord Lyndhurst, 448
Boville *v.* Moore, trial of, Copley's remarkable speech, 123–125
Brandreth's trial, 139–143
Bridgwater Case, the, 453
Brougham, Lord, his speech at Queen Caroline's trial, 183; at the Newspaper Press Benevolent Association dinner, 205; accepts the Great Seal, 273; letter to Lord Lyndhurst on his being made Chief Baron, 276; his attack on Lord Lyndhurst, 327; on Lyndhurst's great powers and resources, 340; on his review of the session, 386; his handwriting described, 428; on Lord Lyndhurst's character, 505, 507; grief at his death, 517
Burdett, Sir Francis, his resolution on Roman Catholic Disabilities, 248; denounces Lord Lyndhurst in the House of Commons, 303

CAMBRIDGE, Lyndhurst elected Steward of University of, 390
Campbell, Lord, blunders and misrepresentation about Copley—at Tidd's Debating Club, 103; and his love of pleasure and his political opinions, 104–107; on Copley becoming Serjeant-at-Law, 118, *n.*; charges him with Jacobinism, 128; and with "ratting," 144; misquotes his speech on the Alien Bill, 150–152; accuses him of a want of honesty and loyalty to his clients, 201; obtains from Lyndhurst his "silk gown," 226; misquotes from Hansard, 259; on the Tamworth Manifesto, 325, *n.*; the Irish Municipal Reform Bill, 377, *n.*; Sugden, 406, *n.*; imagines estrangement between Lyndhurst and Sir Robert Peel, 418, *n.*; misquotes Lord G. Bentinck's speech, 426, *n.*; his offensive words to Lord Lyndhurst on the Suppression of Obscene Books, 474; becomes Lord Chancellor, 479
Canning, on Queen Caroline, 180; on Bill of Pains and Penalties, 181; on the Roman Catholic Disabilities, 215; letter to Copley, 217; his Administration, 223; illness and death, 224; his friendly relations with Copley, 224
Caroline, Queen, her trial, 179–195
Catawba tribe, the, 60

Cato Street Conspiracy, the, 172–178
Chatham, Copley's picture of death of, 13 and *n.*
Chester, Copley becomes Chief Justice of, 154
Copley, John Singleton, his pictures, 2, 15, 16; admitted into the Exhibition of Incorporated Artists, 2; marriage, 4; parents, 5; comes to England, 6; reception in London, 7; at Rome, 8; studies from the antique, 10; his views on the American War, 11; arrives in London, 13; his wife described, 13; the "Family Picture," 14; other pictures, 15–17; death, 118
Copley, Mrs., 13; her death, 367
Copyright Bill, the, 401–403
"Criticisms on the Bar," describing Lord Lyndhurst, 158

DENMAN, Lord, his speech at Queen Caroline's trial, 184–187; applies to Copley for "silk gown" for him, 227; memorial to the King, 228; applies to the Duke of Wellington, 229; receives his patent of precedence, 232; on Lord Lyndhurst becoming Chief Baron, 277; misrepresents his political opinions, 334
Derby, Lord, letter to Lady Lyndhurst on preparing a Conservative Ministry, 444; letter of condolence on Lord Lyndhurst's death, 517
Disraeli, Mr., his friendship for Lord Lyndhurst, 378; his novels, 379; speech on Lord George Bentinck's attack on Lord Lyndhurst, 423
Divorce, the law of, 470

'EDINBURGH REVIEW,' the, on Serjeant Copley's want of preparation for the Watson trial, 134
Eldon, Lord, Copley on, 209; Eldon on Copley becoming Master of the Rolls, 211; advice to a young barrister, 219; on the Test Acts Repeal Bill, 246
Ellesmere, Earl of, his letter to Lord Lyndhurst on his Canadian speech, 436
Elwin, Rev. Whitwell, on Lord Lyndhurst's interest in judicial cases, 281, *n.*; on his power of summing up a case, 283; on Lord Brougham's mode of preparing his speeches, 307

"FAMILY PICTURE," the, 14, 512

GEORGE IV., his resistance to Roman Catholic Emancipation, 253–256
Gladstone, Mr., on Lord Lyndhurst's criticism of his translation of the Iliad, 504; anecdote of him and Lord Brougham, 505
Goderich, Lord, as Premier, 233; resigns, 234
Graham, Sir James, his letter to Lord Lyndhurst about Baron Parke, 449
Grand Juries Bill, the, 479
Granville, Lord, his friendship with Lord Lyndhurst, 505
Greene, Mrs., eldest Miss Copley, her marriage, 70; visits England, 381–384
Greene, Mr. and Mrs., young Copley's correspondence with, 70–98
Gretton, Rev. F. E., his anecdote of young Copley, 22, *n.*
Grey, Lord, on Lord Lyndhurst accepting the office of Chief Baron, 276; resigns his Premiership, 315

HAYWARD, Mr. A., pamphlet on the foreign system of jurisprudence, 313
Holland, Sir Henry, his acquaintance with Lord Lyndhurst, 499
Holmes, Sir Leonard, 142
Horne, Dr., describes young Copley, 18
Howarth, Rev., his funeral sermon on Lord Lyndhurst, 514
Hume, Joseph, his attack on Lord Lyndhurst, 326, *n.*

INDIANS, American, 62–67
Ings, James, his trial, 177, 178
Irish Municipal Corporations Bill, 345; brought forward a second time, 376

JONES, Mr., his letter congratulating the elder Copley on his son's success at Cambridge, 32
Juvenile Offenders Bill, Lyndhurst's speech on, 380

KNATCHBULL, Sir Edward, his family picture by the elder Copley, 72

LANSDOWNE, Lord, attacks Lord Lyndhurst, 332
Life Peerages, Lord Lyndhurst's speech on, 463
Local Courts Bill, the, 309
Luddites the, origin of name, 115 ; defended by Copley, 116
Lyndhurst, Lord, his birth, 4 ; affection for his mother, 14 ; at school at Chiswick, 18 ; genius for architecture, 19 ; letters to his mother, 20, 21 ; at Cambridge, 21 ; letters from Cambridge, 23–32 ; criticises his father's picture of "Hagar and Ishmael," 27 ; second Wrangler, 29 ; Smith's Prizeman, 31 ; Fellow of Trinity College, 33 ; goes to Boston, 39 ; the Beacon Hill Estate Case, 44 ; at Philadelphia, 45, 52 ; letters to his family, 45 ; his views on Republicanism, 48 ; proposes to Miss White, 48 ; at Leesburg, 49 ; Fort Cumberland, 50 ; Albany, 51 ; letters as Travelling Bachelor to the Rev. R. Bellward, 56–57 ; returns to England, 68 ; his M.A. degree, 69 ; becomes special pleader, 69 ; letters to his sister and Mr. Greene, 70–98 ; in Chambers, 71 ; letter to Mr. Greene thanking him for giving him the means of going to the Bar, 100 ; called to the Bar, 101 ; on the Midland Circuit, 102 ; industry, 108 ; struggling into practice, 111 ; removes to Crown Office Row, 113 ; defends the Luddites, 115 ; made Serjeant-at-Law, 117 ; his father's death, 118 ; pays all his debts, 119 ; remarkable case of Boville *v.* Moore, 123 ; Spa Fields Riots, 126–133 ; speech at the trial, 130–132 ; Brandreth's trial, 139–143 ; returned for Yarmouth in the Isle of Wight ; 143 ; his first speech in Parliament on the Alien Bill, 148–152 ; returned for Ashburton, 153 ; King's Serjeant and Chief Justice of Chester, 154 ; his marriage, 155 ; appointed Solicitor-General, 157 ; accused of Jacobinism, 161 ; speech on the Seditious Meetings Bill, 163–165 ; reply to the Marquis of Tavistock, 166 ; conducts defence in the Macirone *v.* Murray action, 167–171 ; Cato Street Conspiracy, 172–176 ; Thistlewood's trial, 175–177 ; James Ings, 177, 178 ; speech on Queen Caroline's trial, 187–195 ; becomes Attorney-General, 197 ; his forensic style, 199 ; social qualities, 200 ; constancy to friends, 201 ; conduct of cases, 202, 203 ; Press prosecutions, 205, 206 ; returned for Cambridge, 207 ; avoids public debates, 208 ; Bill for Chancery Reform, 208 ; Master of the Rolls, 211 ; on Roman Catholic Disabilities, 212–215 ; choice of name for the Peerage, 218 ; appointed Lord Chancellor, 219 ; the Protestant Dissenters Marriage Bill, 222 ; friendship for Canning, 225 ; relations with the Duke of Wellington, 235–237, 287 ; with Sir Robert Peel, 237–240, 341 ; elected High Steward of the Cambridge University, 239, 390 ; accused of using ecclesiastical patronage for party purposes—prosecutes accuser, 242 ; exposed to libellous attacks, 245–247 ; collision with Lord Eldon, 247 ; his speech on Roman Catholic Disabilities, 249, 250 ; reasons for his change of views, 251 ; consults with Wellington and Peel, 252–254 ; the King's Speech, 255 ; justification of his political opinions, 260–266 ; on the Oath of Supremacy, 268 ; reconciliation with Lord Eldon, 270 ; resigns office, 272 ; appointed Chief Baron of Exchequer, 274 ; raises the reputation of his Court, 277 ; at Beaumaris, 279 ; his qualities as a judge, 280 ; the case of Small *v.* Attwood, 284 ; his muttered comments during the arguments of counsel, 286 ; speech on the Reform Bill agitation, 288–300 ; sent for by the King, 301 ; mode of preparing his speeches, 307 ; the Local Courts Bill, 309–311 ; death of Lady Lyndhurst, 314 ; Lord Chancellor for the second time, 325 ; change of Ministry, 331 ; opposes the Municipal Reform Bill, 332 ; attacked for his supposed Radical opinions, 333–339 ; opposes the Irish Municipal Corporations Bill,

345; vindicates his speech on Ireland, 348–357; first review of the session, 361–365; death of his mother, 367; at Paris, 368; replies to Mr. Sheil's attack, 377; friendship for Mr. Disraeli, 378; second marriage, 379; the Juvenile Offenders Bill, 380; his sister Mrs. Greene's visit to England, 384; second review of the session, 386; at Baden and Marienbad, 388; leases Turville Park, 390; Lord Chancellor for the third time, 392; prepares rules for hearing of Patent Cases, 395; his high estimate of judicial duty, 395–398; the O'Connell Case, 399; the Copyright Bill, 401–403; defence of the Irish Chancellor, 405; longing to retire, 406; severe illness, 408; remains Chancellor, 410; speech on Charitable Trusts Bill, 411; endeavours to re-unite the Conservative party, 417; reply to Lord George Bentinck, 424; co-operates with Lord Stanley, 427; life at Turville Park, 429; his pleasant humour, 431; speech on the Canadian Losses Compensation Bill, 433; loss and recovery of sight, 437; his "wise cheerfulness," 441; on the Chancery Reform Bill, 443; refuses office, 446; Baron de Bode's Case, 448; operated on for cataract, 450; on the Oaths Bill, 451, 476; Legal Reform, 453; denounces Russia, 455–458; gives up Turville and visits Paris, 459; interview with Napoleon III., 460; speech on Life Peerages, 463–466; on amendment of the Law of Divorce, 469–471; on Suppression of Obscene Books, 473; on Bill against Street Music, 477; on the Grand Juries Bill, 479; recommends Lord Campbell for Chancellor, 480; his riddle on Campbell's hankering for the Woolsack, 480, *n.*; speech on National Defences, 483–489; on the deficiencies of Naval Reserve, 491; Paper Duties Bill, 493; his last speech, 495; letters to Mr. Amory, 497–499; visits Mr. Nasmyth, 501; his tenacious memory, 502; his criticism on Mr. Gladstone's first book of the Iliad, 503; religious studies and convictions, 511; illness at Tunbridge Wells, 512; returns to London, 512; death, 513; funeral, 514; his only literary work, 524; applies for Professorship at the Royal Academy, 527

Macaulay, Lord, obtains a Commissionership of Bankruptcy from Lord Lyndhurst, 240

Macirone *v.* Murray action, the, 167

Mackintosh, Sir James, speech in reply to Copley, 149; his *mot* about Copley, 166

Manchester Radical meeting in 1819, 159

Mansfield, Lord, 15, *n.*

Marchant, Sir Denis le, on Lord Lyndhurst's early political opinions, 297

Melbourne, Lord, his difficulties in forming an Administration, 315–322; reply to Lord Lyndhurst's reviews of the session, 365, 386; fall of his Ministry, 392

Moncreiff, Lord, describes Lord Lyndhurst, 507

Municipal Reform Bill, the, 331

Music, Street, Bill against, 477

Nasmyth, Mr. James, on Lord Lyndhurst, 501

Naval Reserve, deficiencies of the, 491

Nelson, Lord, 87

North, Lord and Lady, 8

Oaths Bill, the, 451, 476

Obscene Books, Bill for Suppression of, Lord Lyndhurst's speeches on, 471–475

O'Connell and Lord Lyndhurst, 351; *v.* the Queen, 399

Paper Duties, abolition of, 493

Paris, state of, in 1802, 95

Parke, Baron, 449; created Lord Wensleydale, 468

Patronage, Lord Lyndhurst's disposal of, 242

Peel, Sir Robert, his relations with Lord Lyndhurst, 238–240, 341; on the Roman Catholic Disabilities Bill, 256; on the attempt to form a Melbourne Administration, 316–318; Prime Minister, 325; resigns, 329;

forms a Ministry, 392; letter on Lord Lyndhurst's recovery, 408; resigns and resumes office, 409; close of his Administration, 413
Peterloo Massacre, the, 159
Pierson, Copley's picture of death of, 16
Plunkett, Lord, on the Roman Catholic Disabilities, 251
Pollock, Baron, on Lord Campbell's 'Life of Lord Lyndhurst,' 519
Potomac River, the, 57; Falls of, 61
Pryme, Professor, 145, *n.*

REFORM BILL AGITATION, 288, 299, 305
Repeal Association in Ireland, 403
Republican sentiments abjured by Copley, 46
Reynolds, Sir Joshua, 7
Roman Catholic Disabilities Bill, the, 248
Russell, Lord John, and Lord Lyndhurst, 352
Russia, encroachments of, 454

SCARLETT, Mr., his attack on Sir John Copley, 161
Seditious Meetings Prevention Bill, Copley's speech on the, 164–165
Shaftesbury, Earl of, on Lord Lyndhurst's disinterestedness and public spirit, 521
Sheil, Mr. Lalor, attacks Lord Lyndhurst about the Irish Municipal Corporations Bill, 376
Six Acts, the, 165
Small *v.* Attwood, the case of, 284
Smith, Sydney, appointed by Lord Lyndhurst Canon of Bristol, 241; and to the living of Combe Florey, 242
Spa Fields Riots, the, 126
Spencean system, the, 128, *n.*
Stanley, Lord, reply to Lord Campbell on the Canadian Losses Compensation Bill, 434
Stewart, Miss, her reminiscences of Lord Lyndhurst, 508–511
Sugden, Lord, on Lord Lyndhurst's defence of him on the dismissal of the Irish magistrates, 405
Sutherland, Duke of, his letter to Lord Lyndhurst on the Canadian speech, 436

TAMWORTH MANIFESTO, the, 325
Test Acts Repeal Bill, the, 247
Thistlewood's trial, 175–177
Tidd Debating Club, the, 102
'Tom Brown's School Days,' 505
Turville Park leased by Lyndhurst, 390

VENETIAN ARTISTS, their medium, or vehicle, 92
Victoria, Queen, her accession and first Council, 378
Volney, C. F., accompanies young Copley in his travels through the States, 55

WARREN, Mr. S., on Lord Lyndhurst's conduct on the Bench, 278; describes him in the debate on the Local Courts Bill, 311
Washington City, described by young Copley, 56
Watson and Thistlewood, their trial, 127–132
Wellington, Duke of, on Lord Eldon's character, 236, 237, *n.*; letter to Mr. Peel on the Roman Catholic question, 252; speech in the House of Lords, 259; resigns, 272; on Lord Lyndhurst accepting the office of Chief Baron, 275; endeavours to form a Ministry, 304; summoned by the King, 323; reply to Lord Melbourne, 366; letter to Lord Lyndhurst at Paris, 368; letter to him stating his reasons for declining to form a political connection with Lord John Russell, 419
West, Benjamin, 1, 4, 7
Wetherell, Sir Charles, stipulates to have Copley associated with him in the Spa Fields Riots trial, 127; his attack on Lord Lyndhurst, 262
White, Miss, Copley proposes for her, 48
William IV., death of, 378

LONDON: PRINTED BY WILLIAM CLOWES AND SONS, LIMITED,
STAMFORD STREET AND CHARING CROSS.

00024208

Digitized with financial assistance from

HT Parekh FOUNDATION

An Initiative by HDFC

WITH YOU, RIGHT THROUGH

on 28 December, 2018